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Addendum

United Nations Development Programme

Summary

In the present report, the United Nations Development Programme (UNDP) provides information on activities relating to indigenous peoples. Emphasis has been placed on the integration of indigenous perspectives into policy frameworks, the UNDP *Human Development Report*, global, national and regional programming and the participation of indigenous peoples in the achievement of Millennium Development Goals. UNDP, as hosting agency for the Inter-Agency Support Group on Indigenous Issues in 2004, has made substantive contributions in coordinating the annual meeting of the Group and in preparing working papers to be submitted to the Permanent Forum on Indigenous Issues.

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Contents

I. Policy framework
II. *Human Development Report*
III. Global programmes
IV. National and regional programmes
V. Millennium Development Goals and indigenous peoples
VI. Support for the Permanent Forum on Indigenous Issues

	Paragraphs	Page
I. Policy framework	1–2	3
II. *Human Development Report*	3–6	3
III. Poverty reduction	7–16	4
IV. Democratic governance	17–21	5
V. Environment and sustainable development	22–26	6
VI. Crisis prevention and recovery	27–28	7

I. Policy framework

1. The corporate mandate, development cooperation processes and agreements of the United Nations Development Programme (UNDP), and the aspirations of indigenous peoples guide the Programme's engagement with indigenous peoples and their organizations. In the context of the International Decade of the World's Indigenous People (1995-2004), and building on previous initiatives, in August 2001 UNDP issued a policy guidance note entitled "*UNDP and indigenous peoples: a policy of engagement*". The objective of the policy note was to provide UNDP staff with a framework to guide their work in building sustainable partnerships with indigenous peoples. Rooted in the goals and targets set by world leaders at the Millennium Summit in September 2000, it is underpinned by the international human rights framework and a full recognition of the vital role of indigenous peoples in, and contribution to, development.

2. In 2004, the UNDP Energy and Environment Group, the Global Environment Facility and the Civil Society Organizations Division developed a comprehensive practice note on traditional knowledge and access to genetic resources and benefit-sharing. The practice note was intended to provide a resource guide to strengthen the technical and operational capacity of UNDP in weighing and considering the diverse options available for the recognition and protection of the knowledge and genetic resources of both UNDP member States as well as those of indigenous custodians.

II. *Human Development Report*

3. With its focus on exploring issues related to building inclusive societies and managing diversity, the *Human Development Report* for 2004, entitled "*Cultural Liberty in Today's Diverse World*", has provided a key platform for debate on indigenous peoples' concerns. The report benefited from close consultation with indigenous peoples and members of the Permanent Forum on Indigenous Issues. The *Human Development Report* has been instrumental in stimulating national debates on issues related to cultural diversity and policy-making.

4. In June 2004, the UNDP Guatemala country office organized a workshop to discuss issues raised in the *Human Development Report* related to multiculturalism, indigenous peoples and governance. The Guatemala country office is currently considering developing a network of advisers to address the development needs and demands of indigenous groups in the country.

5. National human development reports are also an important tool for generating debate on issues of concern to indigenous peoples. Chapter 3 of Bolivia's 2004 national human development report, "*Interculturalismo y globalización: la Bolivia posible*", specifically addresses issues of identities, multiculturalism, democratic pluralism and nation-building. Several regional and national human development reports have included data disaggregated by ethnic groupings, language groupings, gender, geography and age. In the near future, the UNDP Regional Bureau for Asia and the Pacific intends to develop an Asian regional human development report focusing on indigenous peoples.

6. In May 2000, UNDP established a Civil Society Organizations Advisory Committee composed of 14 civil society leaders who provide strategic advice to

Administrator and senior management on key policy advocacy initiatives. The Committee, which includes a member of the Permanent Forum, has been a vehicle for bringing the concerns of indigenous peoples to the attention of UNDP senior management. UNDP supported two members of the Civil Society Organizations Advisory Committee in undertaking the production of a series of case studies documenting the role of indigenous peoples in preventing and resolving conflict. The subsequent publication, *Beyond the Silencing of the Guns*, was launched at the Barcelona Forum in September 2004. Similar civil society organizations advisory committees have been established at the national level in Botswana, Brazil and Mexico.

III. Global programmes

7. There has been a marked shift in the work of UNDP from policy-making to programme development and promoting action on the ground.

8. The Human Rights Strengthening Programme (HURIST), a joint programme with UNDP and the Office of the United Nations High Commissioner for Human Rights (OHCHR), aims at integrating human rights in development by building the capacity of United Nations country offices, preparing methodologies and toolkits on human rights and through documenting and disseminating good practices. In 2002, HURIST incorporated an indigenous peoples' component to its overall programme, with the objective of promoting the full participation of indigenous peoples in the planning, implementation and evaluation of the projects that may affect them.

9. In 2004, HURIST launched two pilot projects in Ecuador (March) and Kenya (June). The initial programming meeting in Ecuador has since led to consultations with indigenous peoples on several important programming issues as identified through HURIST. Among the key outputs of HURIST in Kenya was the facilitation of a frank dialogue between members of parliament and indigenous representatives and the establishment of an advisory mechanism on indigenous issues known as the United Nations Indigenous Peoples' Advisory Committee of Kenya (UNIPACK). A third pilot is planned for south-east Asia later this year.

10. Based on the successes of HURIST, the government of Catalonia, Spain, has decided to support an additional three pilots in Latin America.

11. Much of UNDP support to indigenous peoples at the country level is channelled through small grants programmes. In Guatemala, a civil society participation programme focuses on strengthening the recognition of indigenous peoples' rights. Activities include: raising awareness and strengthening legislation; establishing institutions for the promotion and protection of indigenous women's rights; and awareness raising on human rights treaties and norms.

12. The Global Environment Facility small grants programme, implemented by UNDP, also on behalf of the United Nations Environment Programme (UNEP) and the World Bank, provides grants of up to $50,000 to non-governmental organizations, community-based organizations and indigenous peoples eligible for funding within the criteria of the Global Environment Facility. Country-level activities are guided by national steering committees, made up in the main of representatives of national non-governmental organizations, academia, co-funding donors, United Nations agencies and the private sector, as well as representatives of

indigenous peoples. In order to facilitate the processing of grant applications from local community-based organizations and indigenous peoples, country programmes organize regular stakeholder workshops to help communities draft grant proposals in their local languages. In addition, the Global Environment Facility small grants programme has been working to facilitate indigenous peoples' access to grants through innovative methods such as video and photo proposals and by assessing its work with indigenous peoples through consultative workshops such as the one held on 15 May 2004, during the third session of the Permanent Forum (10-21 May 2004).

13. In 1999, the Global Environment Facility small grants programme joined efforts with the United Nations Foundation in launching a partnership initiative entitled "Community management of protected areas for conservation (COMPACT)". Since its inception, the main objective of the initiative has been to demonstrate both how community-based initiatives working with local and indigenous groups can significantly increase the effectiveness of biodiversity conservation and build their capacity for greater impact. In each of the selected globally significant protected areas (including natural World Heritage Sites, biosphere reserves, sites designated under the Convention on Wetlands and globally important marine coral reefs), COMPACT addresses sustainable development by responding directly to funding proposals submitted by local non-governmental organizations, community-based organizations and indigenous groups.

14. In Mexico, projects have included the establishment of healer's associations; the transmission of traditional knowledge through manuals and local reference books; as well as the preparation of bilingual educational materials illustrated by local artists for indigenous pre-school and primary schools in 20 Mayan communities.

15. In February 2004, the small grants programme signed a memorandum of understanding with the secretariat of the Convention on Biological Diversity and the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Centre to encourage mutual learning, resource mobilization and the incorporation of the lessons of the COMPACT approach, focusing in particular on the involvement of local and indigenous communities in the co-management of globally significant protected areas.

16. The Equator initiative, a global programme focusing on the Equatorial belt region to reduce poverty and sustain biodiversity, has established the Equator Prize of $30,000 United States dollars, through which it rewards communities that are successfully sustaining biodiversity while reducing poverty. Many indigenous peoples' communities and their organizations have been recognized through this prestigious prize. The initiative has also been working on fostering community-to-community learning and ensuring that community practices will have policy impact.

IV. National and regional programmes

17. Much of UNDP support to indigenous peoples happens at the regional and country level. In Bolivia, the country office is working with the International Labour Organization (ILO) in the formulation of a project whose main objective is to facilitate dialogue among indigenous peoples' organizations in the context of the national Constituent Assembly. The country office is also undertaking studies in

demography and poverty monitoring that looks at how to collect data on indigenous peoples to monitor poverty inequalities at national, provincial and municipal levels.

18. In Nicaragua, UNDP is working together with the Secretariat of the Permanent Forum on an initiative aimed at collecting and disaggregating data on indigenous populations.

19. UNDP is currently implementing a Regional Initiative on Strengthening Policy Dialogue on Indigenous, Highland and Tribal Peoples' Rights and Development at a cost of $2 million United States dollars. The project aims to enhance inter-country sharing of experiences on priority issues, particularly with regard to reducing the incidence of poverty among indigenous peoples. It aims to build capacity among all stakeholders, strengthen information networks and knowledge management systems, particularly among indigenous peoples, to support their full and effective participation in policy dialogue at all levels. The project is being led from Thailand and the participating countries include Cambodia, the Philippines, Thailand and Viet Nam. The intended outputs include needs assessments, capacity-building initiatives, such as training and materials for indigenous peoples and national Governments, indigenous advisory mechanisms, pilot projects and learning networks at the national and regional levels. The regional initiative also pays particular attention to the concerns and needs of indigenous women, especially in the area of indigenous knowledge and sustainable resources management.

20. In 2003-2004, the Civil Society Organizations Division of UNDP, in partnership with the Regional Bureau for Latin America and the Caribbean, undertook a mapping of the activities of the regional country office involving indigenous peoples. The mapping provides brief descriptions of key projects as well as an indigenous peoples' component. The intention of the mapping was to assess the kind of work taking place with indigenous peoples in the field and to identify possible next steps for further engagement at the regional level. The survey was presented in Guatemala at the workshop organized by the UNDP country office on multiculturalism in June 2004.

21. Greater and improved dialogue between UNDP country offices and indigenous peoples is needed to ensure the implementation of the UNDP policy of engagement on indigenous peoples.

V. Millennium Development Goals and indigenous peoples

22. Over the last three years UNDP has engaged in raising awareness of the Millennium Development Goals among indigenous peoples and their organizations at various international forums.

23. UNDP seeks to collaborate with indigenous peoples and their organizations in achieving the Millennium Development Goals and recognizes that greater efforts are needed to include the participation of indigenous peoples' organizations in the development of the country reports that monitor the progress of the Goals. Greater coordination between indigenous peoples' organizations and the Millennium Campaign is needed, although the first steps have been taken.

24. UNDP builds the capacity of communities to "localize the Millennium Development Goals" by providing small grants to community-oriented sustainable development projects as well as through community to community learning

exchange facilities that encourage the sharing of knowledge and best practices among community-based organizations. In addition, community dialogue spaces profile communities during global conferences and highlight the contribution of communities and especially indigenous peoples in achieving the Millennium Development Goals. These dialogues bring together representatives of communities and indigenous peoples with leaders of international government and civil society organizations for a frank exchange on how to develop an enabling environment for community participation in regional development.

25. In the Millennium Project review of the global progress on the Millennium Development Goals, the Millennium Project states that "if the concerns of excluded or marginalized groups are not articulated during policy debate, national Millennium Development Goal-based poverty reduction strategies will likely miss the very people whose needs they are designed to address" (MPR 2005, p. 129). The report highlights the fact that "indigenous groups are rarely included in planning and processes" and supports that "(indigenous) representatives need to be part of the policy design process".

26. UNDP welcomes the opportunity to work with the Forum in ensuring greater engagement of indigenous peoples in the Millennium Development Goals process so as to build on the opportunities and better address the challenges.

VI. Support for the Permanent Forum on Indigenous Issues

27. UNDP coordinated the inter-agency paper on free, prior and informed consent presented at the third session of the Forum in May 2004. In September 2004, UNDP hosted and coordinated the yearly meeting of the Inter-agency Support Group on Indigenous Issues. Two key outputs of this meeting have been a joint statement and a technical position paper on indigenous peoples and the Millennium Development Goals.

28. 2004 also marks the second year of UNDP contributions to the Voluntary Fund of the Permanent Forum to support initiatives focusing on data collection and disaggregation, free prior and informed consent and the Millennium Development Goals.

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Addendum

International Labour Organization

Summary

The contribution of the International Labour Organization (ILO) to the Permanent Forum on Indigenous Issues at its fourth session outlines the current status of ILO projects and programmes addressing indigenous issues. There has been a great increase in the volume of ILO work on such issues within the past 12 months, and this work has extended well beyond the two projects that deal exclusively with indigenous and tribal peoples. There is considerable substantive and practical work being undertaken within ILO on a wide range of issues of relevance to indigenous and tribal peoples. The present report also outlines the work that is being done to address indigenous issues within the framework of the Millennium Development Goals. Within the context of relevant sections of the report, there are also suggestions and recommendations.

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Contents

		Paragraphs	Page
I.	**Responses** to recommendations of the Forum addressed exclusively to a particular agency	1	3
II.	**Response** to recommendations of the Forum addressed to the United Nations system	2–9	3
III.	Other significant information on activities regarding indigenous issues	10–23	5
	A. Project to Promote International Labour Organization Policy on Indigenous and Tribal Peoples	10–16	5
	B. ILO-INDISCO programme	17–18	7
	C. In-Focus Programme to Promote the ILO Declaration on Fundamental Principles and Rights at Work	19–21	8
	D. International Programme on the Elimination of Child Labour	22	8
	E. Inter-agency activities	23	8
IV.	Information and suggestions regarding the special theme of the fourth session, "Millennium Development Goals and indigenous peoples"	24–72	9
	A. General contribution of ILO to the Millennium Development Goals	24–27	9
	B. Focus on Millennium Development Goal 1: eradication of extreme poverty and hunger	28–52	9
	C. Focus on Millennium Development Goal 2: achievement of universal primary education	53–72	16

I. Response to recommendations of the Forum addressed exclusively to a particular agency

1. There were no recommendations addressed exclusively to the International Labour Organization (ILO).

II. Response to recommendations of the Forum addressed to the United Nations system

2. Below are brief responses to the recommendations of the Permanent Forum on Indigenous Issues contained in the report on its third session[1] of relevance to ILO. Owing to the general nature of the recommendations, the responses are not extensive, but where necessary, references to further information sources are included. Most of the information pertaining to the recommendations is included under other subject headings in the present report, to avoid duplication, and ensure proper contextualization of the information in question. Thus, only information that is not contained elsewhere in the report is contained in this section.

Recommendation in paragraph 5: ongoing

3. At the previous session of the Forum, ILO reported extensively on its internal gender mainstreaming policies and on activities it was undertaking to mainstream indigenous concerns into regular ILO activities (E/C.19/2004/5/Add.3). The special concerns of indigenous women are integrated in the design and implementation of projects on indigenous issues. Further information is available in sections III and IV of the present report.

Recommendation in paragraph 8: ongoing

4. A number of points addressed in this recommendation are currently being addressed by ILO. The following are some examples:

(a) With specific reference to the disaggregation of data on indigenous women's issues, efforts are ongoing within the context of individual projects and programmes to address the lack of qualitative and quantitative data (see for example, paras. 40-50 below). This work not only addresses the lack of data, but goes further to look at the manner in which poverty indicators can better reflect indigenous peoples' own priorities and concerns, including differential concerns of men and women. In addition, within the context of projects to eliminate child labour, national child labour surveys often provide statistical information about overtime child labour trends and are used as inputs for policy-making. Results usually show that child labour rates are higher among indigenous children and that, in turn, their school attendance rates are lower, especially among girls. Another effort that has been made towards a better understanding of the reality of child labour in indigenous communities was the conduct of two specific studies. One was undertaken in Peru (in four ethnic groups in the Amazon Basin — Ashaninka, Aguaruna, Cocama and Shipibo) and the other one in Costa Rica (in three communities of the Brunca Region — Boruca, Bribri and Ngäbe). The major goal of each of these studies was to understand the protection and risk factors associated with child labour in indigenous communities from an intercultural and gender perspective. Finally, as part of several baseline survey studies and rapid assessments

conducted by the International Programme on the Elimination of Child Labour in the region, the reality of indigenous children has been considered with emphasis on certain countries and sectors. Some examples are the studies on child domestic labour in Guatemala and Peru, where a high proportion of indigenous girls was identified working under unacceptable conditions. Another sector characterized by large migratory flows of indigenous groups is hazardous agriculture. Additional studies to understand the dynamics have been conducted in activities such as the flower and banana industries in Ecuador, coffee production in Panama and sugarcane harvesting in Bolivia;

(b) A number of projects and programmes addressing indigenous issues within ILO have regular contact with indigenous women's organizations and networks in various regions, and undertake information-sharing and collaboration with these organizations.

5. ILO recommends that the Forum undertake to further the process initiated by the workshop on data collection concerning indigenous peoples.

Recommendation in paragraph 9: ongoing

6. This recommendation is very broad. Therefore, information in subsequent parts of the present report is referred to as a primary reference. As indicated above, the ILO approach is to ensure that gender concerns are integrated at every stage in the project cycle. As the ILO technical cooperation projects and programmes are extremely broad ranging, information pertaining to this recommendation is contained in sections III and IV below.

Recommendations in paragraph 43 (dissemination of information, training and technical assistance concerning fundamental rights): ongoing

7. This recommendation is also broad. Therefore, contextualized information in sections III and IV below is referred to. Some other examples are as follows:

(a) Dissemination of information in indigenous languages is undertaken wherever necessary, within the framework of any projects and programmes addressing indigenous peoples. In addition, information is developed in non-written formats, to accommodate the needs of communities with high levels of illiteracy. Translations and information concerning other non-written materials can be found at the ILO web site;

(b) Human rights training is an integral component of projects and programmes that address indigenous issues. In cases where indigenous women require special attention, separate activities may be held for them. In other cases, the main objective is to mainstream gender into ongoing initiatives, ensuring equal opportunities for the participation of men and women. This approach applies to a number of ILO projects and programmes.

Recommendations in paragraph 45: ongoing

8. A number of ILO conventions other than Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries are of relevance to indigenous and tribal peoples. Aside from current work under the Project to Promote ILO Policy on Indigenous and Tribal Peoples to raise awareness of these instruments and their relevance for the peoples concerned, and work by other

projects and programmes of the ILO to mainstream indigenous issues within the framework of other ILO instruments, the ILO Committee of Experts on the Application of Conventions and Recommendations has made reference to the situation of indigenous and tribal peoples within the context of other relevant Conventions, inter alia, Convention (No. 111) concerning Discrimination (Employment and Occupation), 1957, Convention (No. 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951, Convention (No. 29) concerning Forced or Compulsory Labour, 1930 and Convention (No. 105) concerning the Abolition of Forced Labour, 1957. Under the Project to Promote ILO Policy on Indigenous and Tribal Peoples (see paras. 10-16 below) training tools are currently being developed for indigenous peoples on ILO instruments other than Convention No. 169 that are of relevance to them.

9. **A general suggestion arising from the ILO response to the recommendations of the Forum at its third session in May 2004 was that ILO has experienced some difficulty in responding to these recommendations owing to their extremely general nature. In that regard, ILO recommends that, at its future sessions, when drafting its recommendations to individual United Nations agencies and bodies, the Forum take greater account of the specific mandates, structures and capacity of each organization, in addition to the information provided on substantive and practical matters by these organizations in their written submissions, in order to better orient its recommendations and ensure that they are feasible and targeted.**

III. Other significant information on activities regarding indigenous issues

A. Project to Promote ILO Policy on Indigenous and Tribal Peoples

10. The Project to Promote ILO Policy on Indigenous and Tribal Peoples undertakes activities at the national, regional and international levels. The following is a brief summary of activities during 2004, and ongoing activities. This information is not exhaustive and information on other countries and themes can be found on the ILO indigenous and tribal peoples web site (www.ilo.org/public/english/indigenous).

Priority areas and future strategies

11. The Project has defined a number of priority areas for the coming years. These initiatives aim at the promotion of the rights of indigenous and tribal peoples through implementation of the principles of ILO Convention No. 169:

- The first priority addresses the issue of indigenous rights on a global scale through the documentation and exchange of good practices for the implementation of Convention No. 169.
- The second priority addresses the situation of indigenous peoples in the African region by supporting the work of the African Commission on Human and Peoples' Rights in its efforts to document existing legal provisions and needs for legislative reform in the African region.

- The third priority has been identified as training. ILO will engage in training both at the headquarters level, as well as diverting training activities to the regions, in order to address the specific capacity-building needs of indigenous organizations, Governments and ILO staff at different levels of intervention. In addition, the Project will strengthen its contribution to the Indigenous Fellowship Programme of the Office of the United Nations High Commissioner for Human Rights.

- A subregional activity that has been planned for the coming months is aimed at building the capacity of Governments and indigenous institutions in Bangladesh, India and Nepal to ensure the implementation of the principles of relevant ILO conventions on indigenous and tribal peoples' rights (Nos. 107 and 169).

ILO Convention No. 169 and peacebuilding in Nepal

12. ILO has consistently promoted dialogue between Governments and representative indigenous organizations, and has explored the possibility of using ILO Convention No. 169 as a framework for peace talks (as was the case in Guatemala in 1996). A recent consultation on these issues convened more than 200 government and indigenous representatives, including the Prime Minister, who confirmed the intention of Nepal to ratify Convention No. 169. The Kathmandu Adivasi-Janjati Declaration on ILO Convention No. 169 and peacebuilding in Nepal was unanimously adopted in January 2005 and provides concrete guidelines for action to relevant parties to promote the rights of indigenous peoples and facilitate social justice and participatory peacebuilding within the framework of Convention No. 169. Follow-up will be undertaken during 2005, subject to recent developments in the country.

Studies on indigenous peoples and poverty reduction strategies in Cambodia and Cameroon

13. As a complement to the work currently being undertaken on the poverty reduction strategy paper process and its relevance for indigenous and tribal peoples by the In-Focus Programme to Promote the ILO Declaration on Fundamental Principles and Rights at Work, the Project to Promote ILO Policy on Indigenous and Tribal Peoples is undertaking two country case studies on the relevance of poverty reduction strategy papers for indigenous and tribal peoples, and their participation in the poverty reduction strategy paper process. Further information on these initiatives is contained in section IV below.

Project to examine indigenous customary law in Morocco

14. As a follow-up to the recommendations of a workshop on indigenous peoples' rights held at Rabat in 2003, the ILO and Tamaynut have entered into a collaboration in the framework of a one-year project. As the customary laws of the Amazigh people of Morocco govern a number of aspects of their lives, such as land and resource ownership and management, social structures, gender questions and cultural life, the recommendations of the workshop will be addressed in the framework of a project on customary law. This project will work for the next year to examine and document customary laws and their compatibility with national legislation and international law, and promote a national dialogue on the integration

of certain aspects of indigenous customary law into the legal system. The project will also look at ways in which customary laws governing societal structures could be used as a basis for the conceptualization of mechanisms for dialogue with indigenous peoples.

Legal study and national workshop in Cameroon

15. The Project has just finalized a study on the legal framework for the protection of the rights of indigenous and tribal peoples in Cameroon, and the impact of the legal framework on the living and working conditions of the peoples concerned. The study process, which was undertaken by Dr. Albert Barume, included provincial consultations with indigenous men and women, to ensure that their own perspectives on the issues raised were brought to the fore in the final publication. The study raised a number of concerns about the human rights situation of indigenous peoples. Follow-up to this study, and the case study on the poverty reduction strategy paper process, will be discussed in a national workshop in April.

Project to promote policy and dialogue in Cambodia

16. In collaboration with the Interregional Programme to Support Self-Reliance of Indigenous and Tribal Peoples through Cooperatives and Self-Help Organizations (INDISCO) programme, a national project has just been initiated in Cambodia, with the overall objective of contributing towards the development of national legislation and policies that integrate the rights, needs and priorities of indigenous peoples in Cambodia, and to build capacity to implement them. In partnership with the Government of Cambodia, indigenous organizations, non-governmental organizations and other relevant partners, this project will work at national and local levels, providing capacity-building and human rights training for project partners, and to strengthen the capacity of indigenous peoples to play a more active role in the planning and decision-making processes that affect them, ensuring equal opportunities for men and women to participate in these processes.

B. ILO-INDISCO programme

17. INDISCO has been continuing its community-driven participatory approach in Africa and Asia aimed at promoting sustainable livelihoods, income generation and decent employment with the aim of eliminating the discrimination of the most vulnerable and excluded indigenous and tribal communities, particularly in the area of employment and occupation and with a strong focus on indigenous women and children.

18. In the Philippines, local and national partnerships have been strengthened and have yielded a number of results in 2004: assistance in the preparation of the medium-term Philippine development plan for indigenous peoples for 2004-2008 embraced by President Arroyo; expansion of grass-roots level community development activities; support to prevent and eliminate child labour among indigenous communities through community-driven and culturally appropriate education and livelihoods support (jointly with the International Programme on the Elimination of Child Labour); and continued support for the full implementation of the Indigenous Peoples' Rights Act. In India, INDISCO is active in promoting cooperatives and decent employment among tribal communities. Because of the

work to facilitate the generation of employment through cooperatives and other self-help organizations in Orissa, indigenous women's groups have not only been beneficiaries of technical interventions, but they have also been partners in a participatory process of project design and implementation (more information is available in the ILO Newsletter on Indigenous Issues).

C. In-Focus Programme to Promote the ILO Declaration on Fundamental Principles and Rights at Work

19. Under this Declaration, two major activities have been undertaken that are of direct relevance to indigenous and tribal peoples.

Ethnic audit of poverty reduction strategy paper processes in 14 countries

20. Further information can be found in section IV below.

Research on indigenous peoples and forced labour in Latin America

21. A number of Andean countries are now putting into place stronger policies to eradicate debt bondage and other forms of forced labour to which indigenous people are too often subjected. These measures demonstrate the ILO commitment towards fundamental principles and rights at work and towards a fair globalization based on decent work for all. An ILO special action programme to combat forced labour is supporting Governments and social partners in their effort to document and eliminate forced labour. In Peru, a recent investigation has confirmed the existence of forced labour in the context of illegal logging activities in the departments of Ucayali and Madre de Dios — which are located in the country's Amazon basin. In Bolivia, a different study has also documented the existence of forced labour against indigenous people. In both countries, it is clear that forced labour is an extreme manifestation of discrimination and the consequences for the victims are continued poverty and the lack of access to basic human rights. The Governments are realizing that it is time to end forced labour.

D. International Programme on the Elimination of Child Labour

22. Further information on the activities of the International Programme on the Elimination of Child Labour of relevance to indigenous and tribal peoples can be found in paragraphs 53 to 72 below.

E. Inter-agency activities

23. ILO has been actively involved in ongoing work at the international level on indigenous issues. Some examples of ILO contributions include:

- A substantial contribution to the inter-agency support group position paper on indigenous peoples and the Millennium Development Goals;
- Contribution to the Forum's ongoing work on free, prior and informed consent, and participation at its workshop on this subject;
- Participation in the inter-agency task force on indigenous women.

IV. Information and suggestions regarding the special theme of the fourth session, "Millennium Development Goals and indigenous peoples"

A. General contribution of ILO to the Millennium Development Goals

24. According to the Director-General of ILO, ILO and its constituents should participate actively in the various bodies working on the drive to achieve the Millennium Development Goals by ensuring that the ILO mandate is fully integrated into a coherent international framework and the voice of employers' and workers' organizations occupies its rightful place.[2]

25. There are eight Millennium Development Goals. For each of the goals there are a number of specific targets, 18 in total. Each target has one or more specific statistical indicators to be used to monitor progress. There are 48 indicators in all. Each indicator is associated with one or more international organizations. The specific reporting role of ILO focuses on two specific goals:

- Goal 3 (promotion of gender equality and empowerment of women). ILO specifically reports on target 4, indicator 11, concerning the share of women in wage employment and in the non-agricultural sector.
- Goal 8 (development of a global partnership for development). ILO specifically reports on target 16, indicator 45, concerning the unemployment rate of 15 to 24-year-olds.

26. ILO has also been involved at the international level in the inter-agency expert group on Millennium Development Goal indicators that advises the Millennium Project and the 2005 publication on the progress of reaching the Goals (under the direction of the Policy Integration Department of ILO), and the Millennium Project task forces that fed into that work.[3]

27. In addition, a number of other Millennium Development Goals are of direct relevance to the work of ILO, and ILO is addressing a number of issues pertaining to these at both international and national levels. In particular, ILO is undertaking work that pertains specifically to Goals 1 (eradication of extreme poverty and hunger) and 2 (achievement of universal primary education).

B. Focus on Millennium Development Goal 1: eradication of extreme poverty and hunger

Pro-poor growth and decent work

28. ILO is concerned about growth and macroeconomic policy in the light of growing disenchantment with the employment and social effects of liberalization and globalization. Economic growth is essential but not sufficient for the achievement of Goal 1. In order to reduce poverty, growth must be "pro-poor", which implies changes in institutions, laws, regulations and practices that create and perpetuate poverty.

29. The 2004 report of the World Commission on the Social Dimensions of Globalization suggests means for reducing inequalities in the global economic system and recommends that decent work becomes a global development goal. At the country level, ILO works for the inclusion of decent work in poverty reduction strategy papers and carries out decent work pilot programmes, aiming to show how decent work can reduce poverty in practice. The Commission also indicates that policies to ensure a fair globalization must focus on meeting peoples' needs where they live and work. It is thus essential to nurture local communities through the devolution of power and resources and through strengthening local economic capabilities, cultural identity, and respecting the rights of indigenous and tribal peoples.[4]

30. Linkages between the ILO decent work agenda and the Millennium Development Goals are being developed. The 2003 report of the Director-General to the International Labour Conference sums up the links like this:

- Rights: without rights, the poor will not get out of poverty
- Employment: the principal route out of poverty is work
- Protection: poor people are unprotected people
- Dialogue: this is the way to solve problems peacefully. ILO can offer those living in poverty its experience in dialogue and conflict resolution as a way of advancing their interests

Incorporation of indigenous concerns into national decent work programmes

31. ILO has begun a pilot initiative to integrate indigenous and tribal people issues into the national decent work programme for Nepal. "Decent work" is at the centre of the ILO mandate and activities, bringing together the goals of rights at work, employment and income, social protection, and social dialogue. The development of decent work agendas for indigenous peoples offers an opportunity for ILO constituents (workers' and employers' organizations) to work in partnership with indigenous peoples.

32. Following the development of a national plan of action for decent work in Nepal in January 2005, which also highlights the needs of disadvantaged groups, including indigenous peoples, in all policies and programmes, the main elements of a decent work agenda for indigenous groups will now be identified. The participatory process will include input from workers' and employers' organizations, in addition to broad consultations with representative indigenous organizations, ensuring equal opportunities for participation of indigenous men and women.

33. Activities to improve the socio-economic status of indigenous peoples are a central part of Nepal's tenth five-year plan and the poverty reduction strategy paper process. The process provides a good entry point for promoting decent work for indigenous peoples in the national development context. Furthermore, in late January 2005 a major meeting on ILO Convention No. 169 and Peacebuilding in Nepal, coorganized by ILO, the Nepal Foundation for Indigenous Nationalities and the Nepal Federation of Indigenous Nationalities, concluded with the unanimous adoption of a comprehensive declaration on indigenous peoples rights and roles and responsibilities of various parties. One of the specific recommendations to ILO was to design, in conjunction with the ILO constituents and indigenous nationalities, a decent work plan for indigenous nationalities, in a public-private partnership framework.[5]

34. Incorporating indigenous concerns into national decent work country programmes aims to sensitize and raise awareness of indigenous issues among the public and draw attention to the problems faced by indigenous men and women in the world of work — particularly discrimination, which results in unemployment, underemployment, child and bonded labour. It is hoped that the process of formulating indigenous-specific elements in decent work country programmes will be replicated in other countries, taking into consideration the specificities of individual national contexts. This will be followed up as developments in the country permit.

INDISCO programme — promotion of decent work for indigenous and tribal peoples

35. In the context of the first Millennium Development Goal the ILO-INDISCO programme has been working to strengthen the capacity of indigenous and tribal peoples, helping them to fight poverty by creating decent work through cooperatives and self-help organizations. Indigenous and tribal peoples often live in pockets of poverty as they, in particular indigenous women, are exposed to social exclusion and structural inequalities. At the same time indigenous peoples often have their own development paths and priorities, which need to be respected in order to ensure that overall efforts to meet the Millennium Development Goals and to reduce poverty contribute to the specific needs and aspirations of these peoples. In response to this dual challenge INDISCO has been working to enable indigenous and tribal communities to strengthen the basis of their livelihood through decent employment and income-generating schemes. The methodology of the INDISCO programme is based on a community-driven participatory approach to development in which the gender-balanced participation and consultation of indigenous and tribal peoples are core principles. The design, development and implementation of project activities are undertaken by the indigenous peoples themselves, facilitated by local partner non-governmental organizations and associated with policy development at the government level. This gives ILO a mediating and facilitating role between the various involved stakeholders, while serving the ILO objective of promoting decent work for women and men.

36. INDISCO projects have been implemented in Asia and Africa. Projects often provide direct support to literacy training, cooperative management, skills and training. In India the INDISCO programme has been piloted in the Mayurbhanj district of Orissa. A cluster of 40 tribal villages has been supported in establishing and managing legally recognized cooperatives or cooperative-like self-help organizations, providing loans and credit, health and education. Indigenous women's organizations have been both partners and beneficiaries in this participatory development exercise. In the Philippines, recognizing the linkages between poverty reduction and the land rights of indigenous and tribal peoples, INDISCO has been continuing its work at the community level in cooperation with the Embassy of Finland and the United Nations Development Programme (UNDP) in sustainable ancestral-domain management. INDISCO has also been continuing its work in the Philippines in cooperation with the International Programme to Eliminate Child Labour to prevent and eliminate child labour among indigenous communities through community-driven and culturally appropriate education and livelihoods support.

National poverty reduction strategies

37. The UNDP Administrator, describing the link between the Millennium Development Goal and national poverty reduction strategies, said that the Goals help set and frame the global development agenda. They are an end — a shared framework that all Governments and international agencies have signed up to and by which development progress can be measured. Poverty reduction strategy papers are the primary means to get there. The Goals are both the front and back end of the poverty reduction strategy paper process: the Goals represent the overarching framework for the process and the way to monitor whether they are performing as advertised: paying real attention to the needs of the poor and overall development priorities, not just economic targets.

38. The poverty reduction strategy papers outline an ambitious agenda for poverty reduction, particularly when viewed against the severe capacity constraints facing most low-income countries. To date, the record has been mixed and it is often noted that poverty reduction strategy papers do not always contain a suitably detailed diagnosis of poverty, and tend to omit or fail to cover in sufficient detail key sectoral and thematic considerations such as gender, decent work and equity issues. Generally, poverty reduction strategy papers need to give closer attention to the links between analysis and policy (diagnosis and prognosis), to provide more detailed prioritization of public actions and to give better coverage to areas and issues fundamental to implementation such as budgetary and institutional capacity issues.

39. ILO has been actively engaged in supporting poverty reduction strategy paper processes in a number of countries, engaging with other development partners. In this regard, the objective of country-level work has been threefold:

- To empower social partners to influence the drafting and implementation of poverty reduction strategies through social dialogue.
- To incorporate aspects of decent work into poverty reduction strategy papers.
- To influence development organizations and Governments involved in designing and implementing poverty reduction strategies to embrace the fundamental principles and rights at work, employment policies and social protection, and listen to the voices of the social partners.

Indigenous and tribal peoples and poverty reduction strategy papers

40. In line with the overall principles of ILO work on national poverty reduction strategies processes, ILO has also been examining the specific impact of those processes on indigenous and tribal peoples, as well as the extent to which the peoples have participated in the processes, and the development of the poverty reduction strategy papers. This analysis has been undertaken primarily in collaboration with the Project to Promote ILO Policy on Indigenous and Tribal Peoples. Initial work on this subject has constituted an ethnic audit of poverty reduction strategy papers in 14 countries, and two case studies on the consultation and participation of indigenous and tribal peoples in poverty reduction strategy paper processes in Cameroon and Cambodia. Both these initiatives, as well as the conclusions and recommendations, will be presented to the Forum at its fourth session.

Ethnic audit of the poverty reduction strategy papers of 14 countries

41. Indigenous and tribal peoples represent about 5 per cent of the world's population, but over 15 per cent of the poor.[6] The incidence of extreme poverty is higher among them than among other social groups and, generally, they benefit much less than others from overall declines in poverty. Indigenous and tribal women experience the same disadvantages facing their male peers, but often encounter additional barriers related to their gender and age. As a result, the deprivations they experience are often even harsher than those of indigenous men.

42. The widening of ethnic inequalities in countries where indigenous and tribal peoples live show that conventional anti-poverty policies fail to tackle the social and economic exclusion facing these peoples. This must be redressed not only for their own benefit, but also for reasons of social equity and policy effectiveness. This requires that social and economic policies recognize and accommodate indigenous and tribal peoples' needs, aspirations and rights. As distinct peoples, they have special rights that include, among others, the right to be different and to influence decisions affecting their livelihoods and future.

43. Since 1999, the poverty reduction strategy papers have become the overall framework for lending, debt relief and development cooperation in low-income countries. The poverty reduction strategy paper process is intended to be open and participatory and to reach out to "traditionally marginalized groups", although the related guidelines are silent on involving indigenous and tribal peoples.

44. In the framework of the Follow-up Action Plan on the Elimination of Discrimination at Work,[7] ILO is finalizing an ethnic "audit" of 14 poverty reduction strategy papers in an equal number of countries. The goal of the audit is to ascertain whether and how the rights, needs and aspirations of indigenous and tribal peoples have been taken into account and whether they have been involved in the consultations leading to the formulation of poverty reduction strategy papers.

45. The 14 countries are: Bangladesh, Bolivia, Cambodia, Guyana, Honduras, Kenya, the Lao People's Democratic Republic, Nepal, Nicaragua, Pakistan, Sri Lanka, the United Republic of Tanzania, Viet Nam and Zambia. These countries differ in terms of the relative size of their indigenous and tribal populations, the legal recognition of their rights and the related institutional and policy frameworks. The organization and political mobilization of indigenous and tribal peoples in these countries is equally varied.

46. The study is intended to be the first step of a longer, multistaged process. It constitutes an initial and, admittedly, limited (both in scope and depth) assessment of the extent to which indigenous and tribal peoples and their concerns have been incorporated into poverty reduction strategy papers. The intention is to propose further work at both the national and the international level to fill the gaps in knowledge and develop sound policy recommendations. Follow-up activities could include studies requiring more detailed analysis and research and consultations with indigenous and tribal organizations, national Governments, the World Bank and other organizations of the United Nations system, and bilateral donors that participate in the poverty reduction strategy paper processes.

Case studies on indigenous and tribal peoples' involvement in poverty reduction strategy paper processes in Cameroon and Cambodia

47. The challenge to development posed by indigenous and tribal peoples is twofold: on the one hand, these peoples have the same right to development, resources and services as all others. On the other, it must be recognized that the nature of their aspirations for development, resources and services may be fundamentally different from those of other peoples. Development strategies must thus be designed to overcome the marginalization and at the same time ensure the rights of indigenous peoples. This can only be achieved with the full consultation and participation of the peoples concerned, in accordance with ILO Convention No. 169.

48. In order to supplement but not duplicate the ethnic audit of poverty reduction strategy papers being undertaken by Declaration, the Project to Promote ILO Policy on Indigenous And Tribal Peoples has designed an initiative, in the form of two case studies:

- To document indigenous and tribal peoples' own perceptions of poverty and poverty reduction strategies and existing gaps, similarities and contradictions with national poverty reduction efforts.
- To give recommendations for follow-up to ensure the consultation and participation of indigenous peoples in national poverty reduction efforts.

49. Follow-up will be ensured within the context of ongoing activities at the country level in Cambodia and Cameroon. At the country level, the case studies are being undertaken in collaboration with indigenous communities and organizations, and coordinated by the Centre for Advanced Study, and the Centre pour l'environnement et le développement, respectively. The two country case studies aim:

- To assess the extent of indigenous participation in the formulation of poverty reduction strategy papers (taking account of men and women in this process).
- To analyse the relevance of the poverty reduction strategy paper process for indigenous and tribal peoples (including an analysis of indigenous peoples' own perceptions of poverty).
- To develop recommendations on indigenous and tribal peoples' consultation and participation in poverty reduction efforts.
- To identify capacity-building needs in respect of indigenous participation in the poverty reduction strategy paper process (this may include capacity-building for indigenous peoples, Governments, non-governmental organizations and other relevant actors).

50. The primary methodology for both case studies is culturally appropriate consultations with selected indigenous communities to gather their views on:

- Indigenous concepts and notions of poverty
- Indigenous indicators of poverty
- Indigenous strategies to combat poverty
- Effect of poverty alleviation programmes on indigenous communities

- Consultations and participation in national poverty reduction efforts
- Use of indigenous knowledge in poverty reduction strategies.

51. **Based on some preliminary findings, it is clear that the poverty reduction strategy paper processes examined have not taken into account indigenous and tribal peoples' own perceptions of poverty or their own strategies for addressing poverty. It has also been brought to the fore that, without adequate consultation and participation of these peoples in the poverty reduction strategy paper process, strategies to address poverty among indigenous peoples will not be in a position to take into account their cultural specificities. This creates a risk that poverty reduction strategies aimed at these peoples will fail. Any poverty reduction strategy aimed at indigenous and tribal peoples should also take into account the collective aspects of their rights, and their human rights situation, with specific reference to land and resource rights, labour and employment rights, cultural rights and rights to participate in the public life of the States in which they live. It should also take into account the pervasive discrimination against these peoples, and the effect that this might have on their ability to participate in processes that affect them.**

Preliminary conclusions concerning Goal 1 and indigenous and tribal peoples

52. Pending the final outcome of the initiatives being undertaken in the overall framework of Millennium Development Goal 1, some preliminary conclusions can be drawn and recommendations made, in line with the overall approach of ILO to poverty reduction, based on dialogue, inclusion and empowerment, and respect for fundamental rights:

- **Indigenous and tribal peoples should be consulted, and should participate in the formulation and implementation of national poverty reduction strategies and poverty indicators.**
- **National poverty reduction strategies and poverty indicators should take into account the cultural specificities of indigenous and tribal peoples.**
- **Indigenous peoples may have their own priorities for development. Often these are linked to collective rights, or rights to land and resources. These should be recognized as fundamental to poverty alleviation efforts concerning indigenous and tribal peoples.**
- **National poverty reduction strategies should take into account internationally recognized rights of indigenous and tribal peoples, as a basis for appropriate strategy development.**
- **Constructive measures, such as capacity-building and dialogue, are required to implement such recommendations, and to ensure that indigenous and tribal peoples (men and women) are not marginalized because of their lack of access to information and education, lack of knowledge of the national language, discrimination, or other circumstances that might lead to their marginalization.**

C. Focus on Millennium Development Goal 2: achievement of universal primary education

53. ILO contributes to the achievement of Millennium Development Goal 2 by promoting quality and universally accessible, free and compulsory education in the context of its decent work agenda. ILO is developing vocational and skills training, working for the elimination of child labour and promoting social security to poor families, as well as the rights and status of teachers.

54. There are three main elements in the ILO contribution to the achievement of Goal 2. The first is the ILO contribution to investments in skilled and motivated teachers. The second is the elimination of child labour, which is a major impediment to education. The third is through the promotion of education, decent work and increased family income. A number of ILO initiatives under these thematic areas have a direct impact on indigenous and tribal peoples. However, the main focus on indigenous and tribal peoples falls within the second element of ILO work: working towards the elimination of child labour.

Child labour, education and indigenous and tribal peoples

55. The High-Level Group on Education for All (EFA) made up of ILO, the United Nations Educational, Scientific and Cultural Organization, the World Bank and the Global March against Child Labour highlighted the importance of addressing the root causes of child labour and the poor quality and access to education within a broader poverty reduction strategy in line with the Millennium Development Goal.[5] Thus there is a clear international recognition of the links between child labour and the Millennium Development Goals, particularly with the poverty and education goals.

56. The ILO Convention (No. 138) concerning Minimum Age for Admission to Employment, 1973, promotes free and compulsory education of good quality up to the minimum age for entering into employment as a key element in the prevention of child labour. In this regard, the provision of quality and culturally appropriate education becomes a crucial step in the prevention and elimination of child labour among indigenous and tribal peoples in line with ILO Convention No. 169. The objective should be protection from the negative effects of child labour so that indigenous children and youth can receive education and develop their potential without discrimination.

57. Based on a systematic pattern of social exclusion and lack of economic opportunities, indigenous communities are usually at the bottom of the social scale and their most vulnerable groups are often children and adolescents. There is documented evidence that indicates that indigenous children frequently start to work early, drop out of school at an early age and are at particular risk to end up in the worst forms of child labour. According to the International Programme on the Elimination of Child Labour, indigenous girls and boys have been found to be victims of debt-bondage, trafficking and commercial sexual exploitation in Asia, and as agricultural wage workers on plantations in Latin America.

58. A joint working paper issued in June 2003 by two ILO programmes — the International Programme on the Elimination of Child Labour and INDISCO — entitled "Indigenous and Tribal Children: Assessing child labour and education challenges", found, inter alia, that the neglect of indigenous and tribal rights and

concerns in national education programmes is a key factor in social exclusion and marginalization. It also pointed out that education systems and services, including curricula, are usually not relevant to the needs of indigenous children, either in their structure or their content, and that bilingual education is not available in many cases.

59. Despite the fact that additional data have to be collected to improve the analysis of these factors, there is a consensus on the specific needs of indigenous child workers. The attention of ILO in this respect is turning increasingly to the need for these efforts to be culturally sensitive and sufficiently specific to address the real needs of indigenous and tribal girls and boys. Making education more suitable for indigenous peoples is a means to build the capacity to take primary responsibility for the prevention and elimination of child labour. Within this framework, the International Programme on the Elimination of Child Labour is implementing a number of initiatives to combat child labour through education, specifically aimed at indigenous children and youth. Some examples of the kind of activities being undertaken within this framework are as follows:

Elimination of the worst forms of child labour through education in Villeda Morales (La Mosquitia, Honduras)

60. La Mosquitia is one of the most remote areas of Honduras, where public services are very poor or even non-existent. This area is a hub in the narcotics route into North America, and this constitutes, along with sea diving for lobster and other molluscs, the only source of income for the population of La Mosquitia whose extended family society cannot properly cope with the demands placed upon it by these two industries. The involvement of children in these high risk and/or illicit trades is notorious, and traditionally extends to related activities, such as the sexual exploitation of underage girls, which usually brings their education to an end. Boys mostly go to the sea in the lobster boats just after they complete the options for schooling available to them.

61. ILO is implementing the project to withdraw children from these high risk occupations and enrol them in schools. To guarantee that the needs and particularities of local people are taken into account the project is being implemented by La Mosquitia Development Agency, a local non-governmental organization, which has been dealing with the development issues of the indigenous peoples of La Mosquitia for more than 20 years.

62. The main development achieved in this project has been building the keen awareness shown by the population and local authorities (community leaders, school teachers) in children's rights and the importance of education. In every community local committees set up as a result of this project are addressing their most concerning problems, such as health, education, or abuses by government officials, and are dealing effectively with the worst forms of child labour. Furthermore, available educational alternatives have widened with the addition of proven methods of extending the maximum degree and the scope of education at hand, and by improving its cultural appropriateness, the appeal of schooling children and their families is now significantly stronger.

63. The project has also focused on setting-up a network of donors and development agencies to involve themselves in this forgotten part of the country, resulting in the engagement of other actors in the area.

Subregional project to combat the worst forms of child domestic labour in Central America and the Dominican Republic

64. Studies carried out in seven participating countries highlighted that in those countries where indigenous children work in domestic service (such as Guatemala, Honduras and Panama), the exploitation and discrimination against them is greater than that of the non-indigenous. They are excluded because of their culture, their language, their clothing and their values. Given the high prevalence of indigenous girl domestic workers in Guatemala, the project was working with the Asociación Conrado de la Cruz, an institution that fully assumed and gave priority to the work related to the recuperation and strengthening of the ethnic cultural identities of child-domestic workers as part of the process of withdrawing children from work and improving their living conditions. It developed part of its programme/ interaction with the girls in their native languages, whose languages it in fact promoted. It also promoted the indigenous cultural practices, and developed awareness-raising materials (radio spots, posters, etc.) for child-domestic workers and their families in the language of three of the main ethnic groups of Guatemala (Mam, Quiche and Cackchiquel).

Testing indigenous community-driven education approaches against child labour in the Philippines

65. Using the legal and policy framework provided by the Indigenous Peoples' Rights Act as an anchor, and the Government policy on non-formal education, the International Programme on the Elimination of Child Labour-INDISCO action programme aimed to test innovative approaches to education for the indigenous peoples as a means of helping them develop the capacity to take primary responsibility, under the principle of self-reliance, for the prevention of child labour and rehabilitation of child labourers among their members. It aimed to make education not only attractive and suitable but also accessible to indigenous peoples.

66. As part of this project, which began implementation in 2003, an integrated basic education cum livelihood development module for children and adults has been prepared. The basic education component, on the one hand, includes learning processes concerning writing, reading and arithmetic; indigenous culture — world view, customary law, spirituality and rituals, music and dance; ancestral domain management; and the rights of indigenous peoples. The livelihood component includes learning processes concerning skills development involving existing alternative sources of income such as abaca fibre production, handicraft making and cash crop production.

67. Among the learning outcomes of this project was a strong indication that among indigenous peoples, the solution to community development problems can only be sustainable if it is somehow identified and pursued within the framework of the indigenous culture.

Prevention and elimination of child labour in the Mayan villages of Toledo, Belize

68. This programme targets two rural Mayan villages in the district of Toledo, Belize. Along with Mayans other identified tribal peoples within these communities are creole (African) and mestizo. It attempts to withdraw 75 children from work, providing them direct services such as education, health and other social services. Furthermore, it seeks to prevent approximately 200 children in the same or

neighbouring communities from engaging in child labour, by focusing on parenting, public education and other activities that encourage families to keep their children in school and offer tangible support to children to do so. The programme draws on the resources within the community to facilitate outreach and educational activities on the dangers and consequences of child labour. The programme also includes direct actions to strengthen social institutions and organizations in the area and build their capacities to implement initiatives geared towards the elimination of child labour.

Research on ethnicity and child labour in Nepal

69. Discrimination and exclusion result in poverty, low literacy levels and poor health, and make these groups particularly vulnerable in the labour market. Manifestations of discrimination include high instances of child and bonded labour, unequal pay, unemployment and emotional devaluation. Social exclusion is both a cause and a consequence of poverty; this is reflected in the fact that, along with Dalits, indigenous groups are found at the bottom of almost every social indicator in Nepal.[9] Although there is a clear correlation between discrimination against indigenous people and vulnerability to child labour, there is a lack of research and documentation on the exact nature of this relationship in Nepal. The same is true for vulnerability of lower castes.

70. There is an expressed need to link child labour to broader structural challenges facing indigenous and tribal peoples, such as forced labour, land rights, development planning and local governance. It is necessary to integrate indigenous and tribal people concerns into development policies on education and governance, and to increase representation and participation of indigenous and tribal people children in coordination mechanisms at the grassroots. As in other countries with large indigenous populations, root causes of indigenous and tribal people vulnerability to child labour include racism and discrimination; poverty resulting from social, economic and political exclusion; loss of traditional means of livelihood (compounded by a lack of alternative employment opportunities and high instances of migration); discriminatory legal frameworks; and inappropriate education systems that perpetuate cultural stereotypes of indigenous and tribal peoples and are blind to their special needs.

71. In this regard, the ILO Office in Nepal has begun an action-orientated research study, in consultation with indigenous and tribal peoples, that will analyse the ethnic, caste and gendered dimensions of child labour, with a particular focus on the nexus between poverty, social exclusion and child labour, within the framework of the following three areas:

- Modalities of indigenous children being involved in child labour. Specifically: why do we find children from specific indigenous groups in certain sectors of child labour? To what extent do poverty factors prevail over tradition and cultural factors?
- Results of previous interventions. Specifically: have interventions to date (by ILO and other partners) made any change? What have we learned?
- Indigenous children and education. Specifically: what is the present status regarding persistence and completion of schooling among indigenous

children? What are the barriers that prevent full participation of indigenous children?

Preliminary conclusions concerning Goal 2 and indigenous and tribal peoples

72. The experiences of projects aimed at the elimination of child labour through education in indigenous communities highlight a number of issues pertaining to indigenous education that are worth highlighting for further consideration by the Forum:

- **The importance of a rights-based approach to combating child labour in indigenous communities, taking into account indigenous rights enshrined in international law, in particular relevant articles of ILO Convention No. 169.**
- **Culturally appropriate measures, developed in consultation with the peoples concerned, are essential if education programmes for indigenous and tribal peoples are to be effective and sustainable.**
- **Given that indigenous and tribal children are at special risk for the worst forms of child labour, it is essential that the development of programmes to combat child labour take into account the social and economic marginalization of these peoples.**
- **Child labour and education should be integrated into a broader indigenous child rights agenda to guarantee sustainability of the ongoing efforts.**
- **Improvement of coordination between indigenous and teachers' organizations is crucial to assess curricula gaps and improved teacher-training modules on indigenous peoples' concerns.**

Notes

[1] *Official Records of the Economic and Social Council, 2004, Supplement No. 23* (E/2004/43).

[2] For further information, see the ILO Policy Integration Unit's web site at www.ilo.org/bureau/integration/index.htm.

[3] For more information see *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals* at http://unmp.forumone.com.

[4] World Commission on the Social Dimensions of Globalization. *A Fair Globalization: Creating opportunities for all*. ILO, Geneva, February 2004 (at www.ilo.org/public/english/wcsdg/docs/report.pdf).

[5] Kathmandu Adivasi-Janjati Declaration of 20 January 2005, sect. 4, recommendation No. 52.

[6] World Bank: *Implementation of Operational Directive 4.20 on Indigenous Peoples: an independent desk review*, Report No. 25332, 10 January 2003, Operations Evaluation Department, Country Evaluation and Regional Relations (Washington, D.C.) (at www.eldis.org/static/DOC11570.htm).

[7] The Follow-up Action Plan, endorsed by the ILO Governing Body in November 2003, is part of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work. These principles and rights include: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in employment and occupation.

[7] New Delhi Declaration adopted at the third meeting of the High-Level Group on Education for All, New Delhi, India, November 2003 (at www.globalmarch.org/events/delhideclaration.php).

[8] There are also large margins of difference between indigenous nationalities; e.g., according to the 2001 census figures, Thakalis have the highest literacy rate (62.6 per cent), while the Chepangs have the lowest (14.6 per cent). The same trend can be seen in the *Human Development Report*, 1998: data on the proportion below the poverty line shows the indigenous and tribal people group at the top (Newar with 25 per cent) and at the bottom (Limbu with 71 per cent). These differences can be explained by a number of historical factors, such as land alienation and degree of sanskritization.

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Information received from the United Nations system

Note by the Secretariat

Addendum

Secretariat of the Convention on Biological Diversity

Summary

In the Convention on Biological Diversity (CBD) the international community acknowledged the close and traditional dependence of many indigenous and local communities on biological resources, the vital role that these resources play in their lives and livelihoods and the important contribution that traditional knowledge can make to the conservation and sustainable use of biological diversity.

The States parties to CBD have taken steps to comply with these commitments. The Conference of the Parties established a subsidiary body — the ad hoc open-ended intersessional Working Group on Article 8 (j) and Related Provisions — to address these issues and to develop an ambitious programme of work, which was adopted by the Conference of the Parties in 2000 and provides the basis for action on traditional knowledge within the framework of the Convention.

Given their direct relevance to the work of the Convention, and in particular to the programme of work on article 8 (j), the present document contains a brief

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summary of ongoing work specifically in relation to the recommendations addressed to CBD by the Permanent Forum on Indigenous Issues at its second and third sessions. However, since the last meeting of the Conference of the Parties took place before the third session of the Permanent Forum, the recommendations addressed to CBD at that session will be transmitted by the Executive Secretary to the next meeting of the Conference of the Parties and the meeting of the Working Group on article 8 (j), to take place in March and May 2006, respectively.

Contents

		Paragraphs	*Page*
I.	Introduction	1–3	3
II.	Response to recommendations addressed by the Permanent Forum on Indigenous Issues exclusively to the Convention on Biological Diversity	4–19	3
III.	Response to recommendations made by the Permanent Forum on Indigenous Issues to the Convention on Biological Diversity and other agencies of the United Nations system	20–28	6
IV.	Other significant information regarding recent policies, programmes, budgetary allocations or activities regarding indigenous issues within the Convention on Biological Diversity	29	8
V.	Information and suggestions regarding the special theme of the fourth session, "Millennium Development Goals and indigenous peoples"	30	8

I. Introduction

1. The Convention on Biological Diversity (CBD) and the Millennium Development Goals are two of the most important initiatives of the world community in the development field. The profound relationship between biodiversity and poverty, and hence the need for the Convention on Biological Diversity and the process under the Millennium Development Goals to cooperate, has been recognized at the highest levels.

2. The entire CBD programme of work is designed to contribute to sustaining biodiversity and therefore significantly supports the Millennium Development Goals. The six individual thematic programmes of work under the Convention (marine and coastal biodiversity; agricultural biodiversity; forest biodiversity; the biodiversity of inland waters; biodiversity of dry and sub-humid lands; and mountain biodiversity), and the cross-cutting themes (essentially corresponding to the issues addressed in the Convention's substantive provisions in articles 6 to 20: biosafety; access to genetic resources; traditional knowledge, innovations and practices (article 8 (j)); intellectual property rights; indicators; taxonomy; public education and awareness; incentives; and alien species), all have important linkages to the Millennium Development Goals, in terms of both what they offer for achieving the goals and the risks to the attainment of objectives that may arise from unsustainable development.

3. The various bodies of the Convention and the Executive Secretary have done a considerable amount of technical and policy work in each of the thematic areas and on cross-cutting issues. Collectively, they offer the elements for a road map to ensure that the implementation of the Millennium Development Goals takes advantage of the contribution that biodiversity can make to their achievement and to ensure that it is consistent with the objectives of the Convention.

II. Response to recommendations addressed by the Permanent Forum on Indigenous Issues exclusively to the Convention on Biological Diversity[1]

The work of the Convention on Biological Diversity on traditional biodiversity-related knowledge and of the ad hoc open-ended Working Group on Article 8 (j) and Related Provisions

4. The 188 parties to CBD are, as stated in the first preambular paragraph of the Convention, "conscious of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components". Therefore, the interdependent relationship between biological and cultural diversity constitutes an integral part of the work of the Convention.

5. CBD contains a number of provisions of particular importance to indigenous peoples. The main provision is article 8 (j), in which parties undertake to respect, preserve and maintain the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biological diversity. They also undertake to promote the wider application of such

knowledge, innovations and practices with the approval and involvement of the indigenous peoples concerned. Article 8 (j) also requires that benefits arising from the application of traditional knowledge, innovations and practices should be shared equitably with the indigenous communities concerned.

6. The parties to CBD have taken steps to comply with these commitments. The Conference of the Parties, the Convention's supreme decision-making body,[2] composed of all the Governments that have ratified the Convention, established a subsidiary body, the ad hoc open-ended intersessional Working Group on Article 8 (j) and Related Provisions, to address these issues and to develop an ambitious programme of work, which was adopted by the Conference of the Parties in 2000 and provides the basis for action on traditional knowledge within the framework of the Convention.[3]

7. The Working Group was mandated to oversee the implementation of the programme of work, which focuses on the following issues:

(a) The effective participation and involvement of indigenous and local communities in policy development and decision-making relating to the use of their traditional knowledge and practices relevant to the conservation and sustainable use of biological diversity;

(b) The development of mechanisms and legislation to foster the effective participation of indigenous and local communities in decision-making, policy planning and development and implementation of the conservation and sustainable use of biological diversity at all levels;

(c) The preparation of a composite report on the status and trends regarding traditional knowledge of indigenous and local communities;

(d) The development of guidelines on environmental, cultural and social impact assessment for developments proposed to take place on sacred sites and on lands and waters occupied by indigenous and local communities;

(e) The development of guidelines on the sharing of benefits arising from the utilization of traditional biodiversity-related knowledge and innovations;

(f) The development of elements of sui generis systems for the protection of traditional knowledge.

In addition, traditional knowledge is an important component of the thematic programmes of work on agricultural biodiversity, forest biological diversity, marine and coastal ecosystems, inland waters, and dry and sub-humid lands established by the Conference of the Parties to the Convention.

8. The Working Group on Article 8 (j) has held three meetings, made preliminary assessments of the status of traditional-knowledge protections and taken steps to involve members of indigenous and local communities in the CBD process.

9. Below is a brief summary of the ongoing work of CBD:

Akwé: Kon Voluntary Guidelines

10. The Conference of the Parties has been actively considering the question of the preservation of sacred sites and lands and waters occupied by indigenous and local communities. In February 2004, the seventh meeting of the Conference of the

Parties adopted guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or that are likely to have an impact on, sacred sites and lands and waters traditionally occupied or used by indigenous and local communities, known as the Akwé: Kon Voluntary Guidelines. The Voluntary Guidelines provide guidance to Governments on the incorporation of cultural, environmental and social considerations of indigenous and local communities into new or existing impact assessment procedures. The Conference of the Parties requested Governments to use these guidelines whenever developments are proposed to take place on, or are likely to have an impact on, sacred sites and lands and waters traditionally occupied or used by indigenous and local communities.

International regime on access and benefit-sharing and indigenous participation

11. The Working Group on Access and Benefit Sharing has been mandated, with the collaboration of the Working Group on Article 8 (j), to elaborate and negotiate an international regime on access and benefit-sharing to effectively implement the concepts of prior informed consent for access to genetic resources and of arrangement for the fair and equitable sharing of the benefits derived from the utilization of genetic resources.

12. The results of the deliberations of the Working Group at its meetings in February 2005 and March 2006 will be submitted for consideration by the Conference of the Parties at its eighth meeting, to be held in Brazil in May 2006. Noting the general recommendation of the Permanent Forum for increased participation, CBD is ensuring an adequate level of participation by indigenous representatives in these meetings, until the proposed voluntary fund is established after the eighth meeting.

Composite report on the status and trends regarding the knowledge, innovation and practices of indigenous and local communities

13. The work programme provides for the preparation of a composite report on the status and trends of traditional knowledge. The main objective is to identify the status and trends regarding the retention or loss of traditional knowledge, as well as the causal factors that underlie these trends.

14. The first phase of the composite report dealing with status and trends, and its regional components relating to Latin America, Asia, Europe, North America and Africa, was submitted to the third meeting of the ad hoc Working Group on Article 8 (j) and Related Provisions and, subsequently, to the seventh meeting of the Conference of the Parties, in February 2004, and is available on the secretariat web site (www.biodiv.org.).

15. In general, the report acknowledges the loss of traditional knowledge and emphasizes the relative scarcity of examples of measures and initiatives specifically designed to protect, promote and facilitate the use of traditional knowledge.

16. In February 2004, the Conference of the Parties requested that work be initiated immediately on the second phase of the composite report, laying emphasis on the identification of national processes and processes at the local-community level that may threaten the maintenance, preservation and application of traditional knowledge, innovations and practices, through national focal points and in

consultation with and with the approval of indigenous and local communities.[4] The secretariat has recruited consultants to prepare the second phase of the composite report, which will be complemented by a draft programme of action to retain traditional knowledge, which in turn will include possible indicators for traditional knowledge retention. That document will be submitted to the fourth meeting of the ad hoc open-ended Working Group on Article 8 (j). It is envisaged that the Working Group will use that submission as a basis for making recommendations for consideration by the eighth meeting of the Conference of the Parties, regarding the establishment of indicators.

17. Indigenous and local communities are invited to undertake field studies and to communicate their views to the secretariat on the above-mentioned issues as soon as possible, but not later than 31 May 2005 to ensure that their views are adequately reflected in the second phase of the composite report.

18. The secretariat of CBD is committed to working with indigenous and local communities and contributing to capacity-building for indigenous peoples. Indigenous and local communities are involved in the formulation and review of studies through consultancies, and now also through the advisory group/steering group that was recently created. That body, in which indigenous and local communities are represented, will assist in the completion of the composite report and undertake a peer review of the revised version, in consultation with indigenous peoples and local-community organizations that have participated in the work of the Convention.

Sui generis systems of protection based on customary laws of indigenous peoples

19. The Working Group on Article 8 (j) will consider the issue of sui generis systems at its next meeting, in the first quarter of 2006. To prepare for this, the secretariat is in the initial phase of reviewing relevant material regarding sui generis systems and in relation to the other topics mentioned above. Indigenous and local communities and relevant organizations are invited to communicate to the secretariat any relevant information on existing sui generis systems, as well as their views and suggestions on the issues mentioned above, no later than 31 May 2005 to ensure they are taken into account in the preparation of documentation regarding sui generis systems of protection for the next meeting of the Working Group on Article 8 (j).

III. Response to recommendations made by the Permanent Forum on Indigenous Issues to the Convention on Biological Diversity and other agencies of the United Nations system

Workshop on the theme "Indigenous women, traditional knowledge and the Convention on Biological Diversity" and mainstreaming of gender issues[5]

20. The Forum's request for the holding of a workshop on indigenous women will be submitted to the Working Group on Article 8 (j) at its next meeting, which is expected to make recommendations to the eighth meeting of the Conference of the Parties. One of the general principles of the programme of work on article 8 (j) and related provisions is the full and effective participation of women of indigenous and local communities in all activities of the programme of work. Consequently, it is

important that indigenous women be active participants in developing and implementing the programmes of work and decisions of CBD.

21. As part of the work on the composite report, the Conference of the Parties requested in decision VI/10 C, para. 11, and subsequently reaffirmed the request in decision VII/16 E, that regional workshops be held to ensure the full participation of indigenous and local communities, particularly women, in the preparation of the report on status and trends of traditional knowledge relevant to biological diversity. The secretariat is planning to organize such regional workshops in the second quarter of 2005 in Latin America, Africa, Asia and the Pacific, and Eastern Europe and the Arctic region, subject to the availability of financial resources.

22. A training session for indigenous women was held by CBD prior to the third session of the Permanent Forum on Indigenous Issues, in 2004, and tentative plans are in place to hold training and capacity-building workshops for indigenous women as part of the programme of regional consultations for the composite report.

Workshop on cultural, environmental and social impact assessments based on the Akwé: Kon Voluntary Guidelines aimed at further strengthening the understanding of the link between environment and cultural diversity[6]

23. At its second session, the Permanent Forum on Indigenous Issues recommended, inter alia, that United Nations bodies, in particular the Convention on Biological Diversity, in coordination with the World Bank, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the United Nations Environment Programme, organize a workshop on protecting sacred places and ceremonial sites of indigenous peoples with a view to identifying protective mechanisms and instituting a legal framework that makes cultural, environmental and social impact assessment studies mandatory and ensures the environmental accountability of economic, social and environmental projects that are proposed on sacred sites and lands, territories and waters traditionally occupied or used by indigenous peoples.

24. The holding of such a workshop was requested by the seventh meeting of the Conference of the Parties (decision VII/16 I), acting upon the request from the Permanent Forum on Indigenous Issues. The workshop is being organized in close cooperation with the United Nations Educational, Scientific and Cultural Organization, the United Nations University, the International Union for the Conservation of Nature and Natural Resources and the Permanent Forum on Indigenous Issues secretariat and is to be held from 30 May to 2 June 2005 in Tokyo, with the theme "Conserving cultural and biological diversity: the role of sacred natural sites and cultural landscapes".

Elements for an ethical code of conduct to ensure respect for the cultural and intellectual heritage of indigenous and local communities[7]

25. Following up on a recommendation of the Permanent Forum on Indigenous Issues, the Conference of the Parties requested the Working Group on Article 8 (j) and Related Provisions to develop elements of an ethical code of conduct to ensure respect for the cultural heritage of indigenous and local communities relevant for the conservation and sustainable use of biological diversity, taking into account task 16 of the programme of work on article 8 (j) and related provisions.[5]

26. The secretariat has already started researching examples of codes of ethics and conduct governing research, as used by such bodies as research institutions, business and indigenous and local communities, and is also working on a draft version of the above-mentioned ethical code of conduct.

27. Furthermore, indigenous and local communities are invited to communicate to the Executive Secretary relevant information and views regarding the elements for an ethical code of conduct, as outlined above, no later than 31 May 2005 to ensure that they are taken into account in the preparation of documentation. Their contributions could be sent through their national focal points or through their respective indigenous or local communities.

28. Additionally, when the second phase of the composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities is concluded, it will include elements for a programme of action, which in turn will include possible codes of ethics and conduct as strategies to protect and promote traditional knowledge. Furthermore, CBD has signed a memorandum of understanding with the World Intellectual Property Organization whose objective is to enhance cooperation between the two organizations on intellectual property issues concerning access to genetic resources and benefit-sharing and the protection of the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.

IV. Other significant information regarding recent policies, programmes, budgetary allocations or activities regarding indigenous issues within the Convention on Biological Diversity

29. The seventh meeting of the Conference of the Parties and the last meeting of the ad hoc Working Group on Article 8 (j) took place before the third session of the Permanent Forum on Indigenous Issues. Consequently, and given their relevance to the work of the Convention, and in particular to the programme of work on article 8 (j) and related provisions, the Executive Secretary will transmit recommendations on indigenous women,[9] culture,[10] and environment,[11] to the fourth meeting of the ad hoc open-ended Working Group on Article 8 (j), to be held in Montreal, Canada, in March 2006, and to the eighth meeting of the Conference of the Parties, to be held in Brazil in May 2006.

V. Information and suggestions regarding the special theme of the fourth session, "Millennium Development Goals and indigenous peoples"

30. Noting that in decision VII/32 of the Conference of the Parties it was pointed out, among other things, that achievement of the Millennium Development Goals, in particular goal 1 (combating poverty and hunger), is dependent on the effective conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, CBD will suggest the incorporation of ways to more effectively

communicate the importance of biodiversity in achieving the Millennium Development Goals. It will be particularly important to point out the primary role that indigenous and local communities and their traditional knowledge play in finding frugal, sustainable, locally meaningful ways to alleviate poverty and in preserving biodiversity.

Notes

[1] *Official Records of the Economic and Social Council, 2004, Supplement No. 23* (E/2004/43), paras. 76-77.

[2] There have been seven meetings of the Conference of the Parties to date. The seventh was held in Kuala Lumpur from 9 to 20 February 2004, and the next will take place in Brazil from 8 to 19 May 2006.

[3] The programme of work on article 8 (j) and related provisions is contained in decision V/16. Decisions VI/10 and VII/16 further develop the work programme. All are available at www.biodiv.org/decisions/.

[4] See decision VII/16 E, available at www.biodiv.org/decisions/.

[5] See *Official Records of the Economic and Social Council, 2004, Supplement No. 23* (E/2004/43), paras. 11 and 75.

[6] See *Official Records of the Economic and Social Council, 2003, Supplement No. 23* (E/2003/43), paras. 55-56.

[7] Ibid., *2004, Supplement No. 23* (E/2004/43), paras. 37-38.

[8] See decision VII/16 I, para. 5, available at www.biodiv.org/decisions/.

[9] See *Official Records of the Economic and Social Council, 2004, Supplement No. 23* (E/2004/43), para. 11.

[10] Ibid., paras. 37-38.

[11] Ibid., paras. 77 and 85.

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Addendum

I. World Intellectual Property Organization

II. World Trade Organization

III. United Nations Framework Convention on Climate Change

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Contents

		Paragraphs	Page
I.	World Intellectual Property Organization	1–22	3
	A. Responses to the recommendations addressed or relevant to the World Intellectual Property Organization by the Permanent Forum at its third session	1–21	3
	B. Information and suggestions regarding the special theme of the fourth session, "Millennium Development Goals and indigenous peoples"	22	7
II.	World Trade Organization	23–27	7
III.	United Nations Framework Convention on Climate Change	28–34	8
	A. Recommendations specifically addressed to the United Nations Framework Convention on Climate Change by the Permanent Forum at its second and third sessions	28–31	9
	B. Recommendation addressed to one or more agencies or to the United Nations system in general by the Permanent Forum at its third session	32–34	9
Annexes			
I.	Recent publications of the World Intellectual Property Organization relevant to indigenous peoples		11
II.	United Nations Framework Convention on Climate Change: Extract from the report of the Subsidiary Body for Implementation on its twentieth session		12

I. World Intellectual Property Organization

Summary

In the present document, the World Intellectual Property Organization (WIPO) summarizes its response to the recommendations of the United Nations Permanent Forum on Indigenous Issues made at its third session in 2004. In particular, attention is drawn to the development and examination of draft instruments for the protection of traditional cultural expressions/expressions of folklore and of traditional knowledge by the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. Information is also provided on measures to enhance the participation of indigenous peoples and local communities in the work of the organization, including the sessions of the Intergovernmental Committee.

A. Responses to recommendations addressed or relevant to the World Intellectual Property Organization by the Permanent Forum at its third session

1. The decisions and recommendations of the third session of the Permanent Forum that addressed or were relevant to WIPO were made available as a working document to the seventh session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore in November 2004[1] and were introduced by a member of the Permanent Forum who participated in the session. The recommendations were favourably referred to by several member States and other participants in the session.[2] It is expected that these recommendations will continue to guide not only the work of the Intergovernmental Committee itself, but also the broader activities of WIPO on related issues.

2. In response to these recommendations, WIPO provides the following information.

Development and examination of draft instruments on traditional cultural expressions and traditional knowledge

3. In late 2003, the member States of WIPO decided on a new and extended mandate for the Intergovernmental Committee, which requires the Committee to accelerate its work and to focus in particular on the international dimension of intellectual property and traditional knowledge and traditional cultural expressions (or "expressions of folklore"). The new mandate of the Committee is not limited in the range of possible results that may eventually be achieved, including the possible development of an international instrument or instruments.

4. At the seventh session of the Intergovernmental Committee, which took place in November 2004, the Committee examined the first drafts of two instruments, one

[1] WIPO/GRTKF/IC/7/13.

[2] See draft report of session, WIPO/GRTKF/IC/7/15 PROV.

dealing with the protection of traditional cultural expressions/expressions of folklore and the other, in a parallel and linked manner, with traditional knowledge. These draft instruments are aimed at recognizing, among other things, collective interest in traditional know-how and expressions of traditional cultures that are innovative or creative and characteristic of a distinct cultural identity, and at strengthening the legal basis for the prevention of the misappropriation and misuse of such knowledge and expressions held by traditional communities, including indigenous peoples. These draft proposals include compliance with the principle of "free, prior and informed consent" and the recognition of customary laws and practices in the protection of traditional knowledge and traditional cultural expressions.

5. The Intergovernmental Committee called for further comments on the draft instruments, including specific suggestions for wording, before 25 February 2005, and requested the WIPO secretariat to produce, on the basis of the first drafts and all subsequent inputs and comments from participants in the seventh session, further drafts for consideration by the Committee at its eighth session, which will take place in June 2005.

6. All working documents, comments, papers, studies, questionnaires and other materials prepared for consideration by the Intergovernmental Committee, as well as comprehensive reports of its sessions, are available, in English, French and Spanish at http://www.wipo.int/tk/en/igc/documents/index.html.

Access to genetic resources and benefit-sharing

7. With regard to the intellectual property aspects of access to and benefit-sharing in genetic resources, discussions within WIPO and in other policy areas have focused largely on examining methods consistent with intellectual property treaties for requiring the disclosure within patent applications of, inter alia: genetic resources and associated traditional knowledge used in the development of a claimed invention; the country of origin, source or legal provenance of such genetic resources and traditional knowledge; and evidence of prior informed consent and equitable benefit-sharing. This work has in large part been undertaken at the request of the Conference of the Parties to the Convention on Biological Diversity, and is intended to support the objectives of the Convention.

8. The diverse approaches towards such disclosure requirements were discussed in the WIPO Technical Study on Patent Disclosure Requirements Related to Genetic Resources and Traditional Knowledge,[3] prepared by WIPO at the request of the Conference of the Parties to the Convention on Biological Diversity and submitted to the Conference of the Parties in 2004. Member States, indigenous peoples and traditional communities and other stakeholders continue to explore these complex and sensitive questions in the context of several processes within WIPO and elsewhere.[4] Within WIPO, the Standing Committee on the Law of Patents, the Working Group on Reform of the Patent Cooperation Treaty and the Intergovernmental Committee have all considered the issue. Following a further invitation from the Conference of the Parties to the Convention on Biological Diversity, WIPO is focusing on some specific issues identified as being of relevance

[3] WIPO Publication No. 786 E.

[4] See WIPO/GRTKF/IC/7/9 and the current database at http://www.wipo.int/tk/en/databases/contracts/index.html.

to the Convention. A draft examination of these issues has been prepared and will be considered by a special one-day ad hoc meeting in early June 2005. Relevant proposals and draft materials are currently available at http://www.wipo.int/tk/en/genetic/proposals/index.html.

9. WIPO's programme on genetic resources also responds to a widely felt need for more information about current practices concerning the intellectual property aspects of agreements on access to genetic resources and the sharing of consequential benefits. In order to provide a practical contribution in this area, WIPO, in cooperation with the secretariat of the Convention on Biological Diversity, is, inter alia, developing materials on intellectual property issues raised during the establishment of mutually agreed terms for access and benefit-sharing, including through the creation of a public, electronic database on intellectual property provisions in mutually agreed terms.[4] The Conference of the Parties to the Convention on Biological Diversity has encouraged WIPO to accelerate its work in this area.

Capacity-building

10. The programme of activities in this area includes a range of complementary practical activities, such as capacity-building, legislative assistance, awareness-raising training and cooperation with a broad spectrum of national, regional and international initiatives.

Contribution of expertise and experience by the Permanent Forum

11. The Permanent Forum is represented at sessions of the Intergovernmental Committee and has been represented at other national and regional events organized by WIPO. The Forum has also played a prominent role in the discussions of the Intergovernmental Committee on the enhancement of indigenous participation in the sessions of the Committee and has taken part in a WIPO regional conference on the protection of traditional knowledge and traditional cultural expressions. **WIPO considers that the Forum has already played a significant role in contributing expertise and experience to its activities and appreciates the mutual cooperation between itself and the Forum and WIPO.**

Participation of indigenous peoples and local communities

12. The member States of WIPO have repeatedly stressed the priority attached to enhancing the participation of the Permanent Forum and indigenous representatives in the sessions of the Intergovernmental Committee. There is continuing exploration and consultation on options and modalities for facilitating and generally improving the participation of indigenous peoples in WIPO's work on these issues. **The practical experience and guidance of the Forum and its members are invaluable inputs to achieving this goal. Member States of WIPO have expressed their unanimous support for directly involving representatives of indigenous and local communities as much as possible in the work of the Intergovernmental Committee.**[5]

13. In this regard, a number of practical steps have already been undertaken, including a fast-track accreditation procedure for all non-governmental

[5] See WIPO/GRTKF/IC/4/15, para. 60.

organizations (NGOs) has been in place since the first session of the Intergovernmental Committee in April 2001. More than 100 NGOs have received accreditation, including many representing indigenous peoples. No applicant has been denied accreditation.

14. The General Assembly of WIPO has extended a formal invitation to the Permanent Forum to take part in the sessions of the Intergovernmental Committee, and many participants have welcomed its active participation. A number of member States have adopted the practice of funding the participation of representatives of indigenous and local communities in the sessions of the Committee.

15. The funds provided by WIPO to support the participation of member States that are developing countries have been used in some cases by such countries to support the participation of leaders of their indigenous or local communities.

16. Consultations and workshops at the national and regional level and other forums aimed at developing focused input for the Intergovernmental Committee have included representatives of the Permanent Forum and indigenous and local communities as speakers and participants. The WIPO web site provides for written contributions by accredited NGOs on the issues before the Committee. Specific briefings and consultations for representatives of NGOs, particularly representatives of indigenous and local communities, are also undertaken within the framework of meetings of the Committee.

17. The WIPO secretariat has continued its practice of consulting with interested representatives of indigenous and local communities on draft documents and other material being developed for the Intergovernmental Committee, as well as related capacity-building and informational documents, including a series of case studies and a distance learning course contributed to by indigenous experts.

18. Steps have also been undertaken to encourage voluntary donors to support the immediate participation of representatives of accredited observers in the sessions of the Intergovernmental Committee. The Committee has also requested the development of a proposal to establish a voluntary fund at WIPO to fund the participation of representatives of indigenous peoples and local communities in its sessions. A draft proposal for a voluntary fund will be considered at the next session of the Committee, when its future directions will be considered for possible referral to the General Assembly.

19. At its most recent session in November 2004, the Intergovernmental Committee gave priority to extensive discussions on how to enhance the participation of indigenous and local communities. It agreed, among other things, that sessions of the Committee should be preceded by panel presentations chaired by a representative of an indigenous or local community. Such a panel will be held at the commencement of the eighth session of the Committee in June 2005.

20. Apart from the Intergovernmental Committee, the WIPO General Assembly stipulated that the one-day meeting on patent disclosure requirements in June 2005 should be timed so as to facilitate the participation of indigenous and local communities. For this reason, it is proposed to hold it back to back with the indigenous consultative forum, the indigenous panel and the next session of the Committee.

Cooperation with other organizations and agencies

21. As requested by the member States of WIPO and as recommended by the Permanent Forum, the organization continues to cooperate with other organizations and agencies on issues of concern to the Permanent Forum and to ensure that its work on recognition and protection of traditional cultural expressions and traditional knowledge is complementary to and supportive of their work, including: the secretariat of the Convention on Biological Diversity, the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Environment Programme (UNEP), the United Nations Conference on Trade and Development (UNCTAD), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the World Health Organization (WHO), the United Nations Development Programme (UNDP) and the United Nations Industrial Development Organization (UNIDO). WIPO has also coordinated with the World Bank, the World Trade Organization and a range of regional bodies and NGOs.

B. Information and suggestions regarding the special theme of the fourth session, "Millennium Development Goals and indigenous peoples"

22. As noted in the technical position paper on the Millennium Development Goals and indigenous peoples prepared by the Inter-Agency Support Group on Indigenous Issues, **the knowledge systems and cultural expressions of indigenous peoples are of immense value for the peoples themselves as well as for the world as a whole. Thus, preserving, promoting and protecting traditional knowledge and cultural expressions contribute towards the achievement of the Millennium Development Goals.**

II. World Trade Organization

Summary

In the present document, the World Trade Organization provides updated information regarding the debate on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) relating to the protection of traditional knowledge at its committees and councils with regard to the review of the implementation of the Agreement. The World Trade Organization also provides information about its technical cooperation activities and training in this area.

23. The issues of the relationship between the TRIPS Agreement and the Convention on Biological Diversity and the protection of traditional knowledge and folklore, issues of interest to indigenous peoples, were first raised in the World Trade Organization in the Committee on Trade and Environment in 1995 and later in the TRIPS Council in 1999 under the review of article 27.3 (b). Article 27.3 (b), which allows exceptions from patentability in the case of certain plants and animals

other than micro-organisms, and essentially biological processes for the production of plants or animals other than non-biological and microbiological processes, came up for review in the TRIPS Council, as foreseen in the provision itself, in 1999 and this review continues to date.

24. At the Doha ministerial meeting of November 2001, Ministers instructed the TRIPS Council, in pursuing its work programme, including under the review of article 27.3 (b), the review of the implementation of the TRIPS Agreement under article 71.1 and the work foreseen pursuant to paragraph 12 of the Doha Ministerial Declaration (on so-called outstanding implementation issues), to examine, inter alia: the relationship between the TRIPS Agreement and the Convention on Biological Diversity; the protection of traditional knowledge and folklore; and other relevant new developments raised by Members pursuant to article 71.1. The Ministers further instructed the Council that, in undertaking this work, the TRIPS Council should be guided by the objectives and principles set out in articles 7 and 8 of the TRIPS Agreement and should take fully into account the development dimension (WT/MIN(01)/DEC/1, para. 19).

25. In the light of these instructions, the Council for TRIPS has worked since 2002 on three agenda items, namely: the review of article 27.3 (b); the relationship between the TRIPS Agreement and the Convention on Biological Diversity; and the protection of traditional knowledge and folklore.

26. These issues are also among the outstanding implementation issues being dealt with in a consultative process under the auspices of the Director-General of the World Trade Organization. The Director-General is to report to the Trade Negotiations Committee and the General Council no later than May 2005. The General Council is to review progress and take any appropriate action no later than July 2005.

27. The World Trade Organization also undertakes training and technical cooperation activities, both in and outside Geneva, in which the above-mentioned topics are dealt with as a part of the overall programme in the intellectual property area.

III. United Nations Framework Convention on Climate Change

Summary

In the present document, the United Nations Framework Convention on Climate Change provides background information on the consideration of recommendations from the second session of the Permanent Forum in 2003 by the Parties of the Subsidiary Body for Implementation of the United Nations Framework Convention on Climate Change in June 2004. The Subsidiary Body for Implementation would not reconsider recommendation 78 of the third session of the Permanent Forum at its upcoming session. The parties were however prepared to take some steps to enhance the participation of NGOs, including indigenous peoples organizations, within the Framework Convention on Climate Change process, albeit without any financial support. From the conclusions it may be understood that Parties do not intend to return to the issue in the immediate future.

A. Recommendations specifically addressed to the United Nations Framework Convention on Climate Change by the Permanent Forum at its second and third sessions

28. The recommendations of the Permanent Forum on Indigenous Issues at its second session addressed to the United Nations Framework Convention on Climate Change, contained in paragraphs 47 and 61 of the report of the Permanent Forum (E/2003/43, chap. I, paras. 47 and 61) were considered by the Parties to the United Nations Framework Convention on Climate Change in June 2004 during the twentieth session of the Subsidiary Body for Implementation within the discussions based on the document "Effective participation in the Convention process" (FCCC/SBI/2004/5). The report of the Subsidiary Body for Implementation summarizes the discussions by the parties (FCCCC/SBI/2004/10, paras. 105-109) and indicates that although Parties were reluctant to provide a status to indigenous peoples' organizations beyond the traditional observer status, they were prepared to take some steps to enhance participation by NGOs, including indigenous peoples organizations, within the Framework Convention on Climate Change process, albeit without recourse to financial support. From the conclusions it may be understood that the parties do not intend to return to the issue in the immediate future.

29. The recommendation, contained in the report of the Permanent Forum on its third session (E/2004/43, chap. I, para. 78) addressed to the United Nations Framework Convention on Climate Change, to "sponsor a workshop to discuss the merits and mechanisms for the establishment of a working group on indigenous peoples within the Conference of the Parties process, ensuring the participation of indigenous peoples from developed and undeveloped countries as well as interested member States" would require financial support.

30. In discussions during the twentieth session of the Subsidiary Body for Implementation, the Parties, although recognizing the importance of enhanced participation and wishing to encourage a fuller participation by indigenous peoples organizations, were not in a position to commit themselves to any action with financial implications or which envisaged new institutions. The Subsidiary Body for Implementation invited individual Parties to consider initiating ways to facilitate participation by indigenous peoples' organizations.

31. **Consideration of the matter in the Subsidiary Body for Implementation has been concluded and is not likely to be resumed at upcoming sessions of the Subsidiary Body. There will, however, be opportunities for representation by indigenous peoples in sessions of the Convention bodies and at workshops on substantive issues on the agenda of the United Nations Framework Convention on Climate Change. The Parties have also been encouraged to draw upon the expertise of indigenous peoples organizations when discussing matters of concern to them.**

B. Recommendation addressed to one or more agencies or to the United Nations system in general by the Permanent Forum at its third session

32. The recommendation contained in the report of the Permanent Forum on its third session (E/2004/43, chap. I, para. 85) to "support indigenous peoples'

organizations in order to develop capacity on research, work and proposals on human indicators applicable to the implementation of the environmental conventions and the plans and programmes of work of the Convention on Biological Diversity" is outside the direct remit of the Convention secretariat.

33. **The parties are sympathetic to the relevance of the Convention and its Protocol to indigenous peoples organizations and encourage their participation by ensuring that opportunities are available to them under the Convention process, including access to workshops and assistance with catalysing informal contacts. The Convention secretariat has no mandate to develop the capacity of observer organizations on research, work and proposals to develop human indicators applicable to the United Nations Framework Convention on Climate Change. Ongoing work on capacity-building for developing countries is focused at improving capacity-building in and for the Parties to the Convention and is not addressed specifically at indigenous peoples organizations.**

34. In summarizing, the recommendation of the third session of the United Nations Permanent Forum on Indigenous Issues addressed to the UNFCCC, contained in paragraph 78 of the report would have financial implications and consequently can be said to have been addressed by the Subsidiary Body for Implementation. The recommendation contained in paragraph 85 concerning support for capacity-building within indigenous peoples organizations is outside the direct mandate of the Convention secretariat.

Annex I

Recent publications of the World Intellectual Property Organization relevant to indigenous peoples

- Two booklets on: "Intellectual Property and Traditional Cultural Expressions/ Folklore" and "Intellectual Property and Traditional Knowledge";
- Minding Culture: Case Studies on Intellectual Property and Traditional Cultural Expressions, by Ms. Terri Janke;
- A study on the Protection of Expressions of Folklore/Traditional Cultural Expressions, by Mrs. P. V. Valsala Kutty;
- Consolidated Analysis of the Legal Protection of Traditional Cultural Expressions/Expressions of Folklore;
- World Intellectual Property Organization-United Nations Environment Programme Study on the Role of Intellectual Property Rights in the Sharing of Benefits Arising from the use of Biological Resources and Associated Traditional Knowledge

The publications listed above are available upon request from the WIPO secretariat and at http://www.wipo.int/tk/en/publications/index.html

Annex II

Extract from the report of the Subsidiary Body for Implementation on its twentieth session

The following extract from the report of the Subsidiary Body for Implementation (SBI) on its twentieth session is taken from document FCCC/SBI/2004/10:

"Participation of indigenous peoples

"105. The SBI considered the recommendations of the Permanent Forum on Indigenous Issues, as well as other requests by indigenous peoples organizations, summarized in document FCCC/SBI/2004/5.

"106. The SBI noted that indigenous peoples organizations have been admitted as observers in accordance with Article 7, paragraph 6, of the Convention and that the secretariat has an officer responsible for liaising with observer organizations, including the indigenous peoples organizations. It also noted that the agendas of the Convention bodies include items relevant to the concerns of indigenous peoples. The SBI encouraged the indigenous peoples organizations to make full use of the existing bodies and the opportunities currently afforded to them under the Convention.

"107. The SBI invited Parties to consider drawing on the expertise of indigenous peoples organizations when discussing matters of concern to them. It encouraged individual Parties to give consideration to ways of enhancing the participation of indigenous peoples organizations in the Convention process.

"108. The SBI acknowledged the importance of an enhanced participation by indigenous peoples organizations in the Convention process, in particular through discussions on relevant agenda items, participation in workshops and informal contacts. The SBI invited the chairs of relevant Convention bodies and the secretariat to facilitate such participation to the extent possible, without recourse to financial support.

"109. The SBI concluded that opportunities exist for fostering a full and effective participation by indigenous peoples organizations in the Convention process. It requested the secretariat to convey its conclusions to the Permanent Forum on Indigenous Issues."

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Ongoing priorities and themes

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Note by the Secretariat

Addendum

I. Department of Economic and Social Affairs of the United Nations Secretariat

II. United Nations Development Fund for Women

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Contents

		Paragraphs	Page
I.	Department of Economic and Social Affairs of the United Nations Secretariat	1–10	3
	Contributions from divisions and branches	1–10	3
	1. Contribution from the United Nations Statistics Division	1–4	3
	2. Contribution from the Division for the Advancement of Women	5–9	4
	3. Contribution from the Governance and Public Administration Branch of the Division for Public Administration and Development Management	10	5
II.	United Nations Development Fund for Women	11–19	6
	A. Response to recommendations addressed by the Forum exclusively to UNIFEM under one or more items of the Forum's mandate	11	7
	B. Response to recommendations of the Forum addressed to UNIFEM and other organizations or to the United Nations system in general under one or more items of the Forum's mandate	12–17	7
	C. Other significant information on recent policies, programmes, budgetary allocations or activities regarding indigenous issues within UNIFEM	18	9
	D. Information and suggestions regarding the special theme of the fourth session: "Millennium Development Goals and indigenous peoples"	19	9

I. Department of Economic and Social Affairs of the United Nations Secretariat

Summary

The present document includes contributions received from divisions of the Department of Economic and Social Affairs of the United Nations Secretariat, namely, the United Nations Statistics Division, the Division for the Advancement of Women, and the Governance and Public Administration Branch of the Division for Public Administration and Development Management. A note by the secretariat of the Permanent Forum on Indigenous Issues, Division for Social Policy and Development, will appear in a separate document.

The United Nations Statistics Division provided information on its new project to develop a new web site as a valuable tool through which to disseminate census data on national/ethnic group, language, religion and other topics related to indigenous peoples. The largest part of the project is expected to be completed by the dates of the fourth session of the Forum.

The Division for the Advancement of Women provided information on pursuing recommendations of the Forum on indigenous women in the context of the 10-year review and appraisal of the implementation of the Beijing Platform for Action. It presented the substantive contribution of the Division to two important mechanisms working on women's issues with a view to adding an indigenous perspective: the Task Force on Indigenous Women of the Inter-Agency Network on Women and Gender Equality and the Intradepartmental Task Force on Indigenous Issues. In addition, the Committee on the Elimination of Discrimination against Women continues the reviewing of the situation of indigenous women in examining reports of States in a systematic manner.

The Governance and Public Administration Branch of the Division for Public Administration and Development Management explored means of including indigenous issues in its various programmes, projects, expert consultations, research and dissemination activities.

Contributions from divisions and branches

1. Contribution from the United Nations Statistics Division

(a) Introduction

1. Given the strong interest in issues relevant to indigenous peoples demonstrated by the Permanent Forum on Indigenous Issues, and the relevance to indigenous issues of the United Nations Statistics Division's pre-existing data collection on ethnicity, language and religion, the Division has begun a collaborative effort to review and make public the data. The Division is pleased to cooperate with the secretariat of the Forum in this area, in order to provide follow-up to the Forum's recommendations. This work will begin with existing data, reviewing the ways in

which indigenous peoples are already being studied by Member States. The initial focus will be on the following questions: What relevant statistics do we already have that have not been presented in the context of indigenous peoples? How are Governments currently studying their indigenous peoples in censuses? What are the limitations of the existing data?

2. **As part of our collaboration with the Forum, the Division will expand its web site to include the ethnicity data, highlighting the information regarding indigenous peoples, and linking it to the Forum's current web site.** This new web site will increase the visibility of statistics pertaining to indigenous people and satisfy the existing demand. This is an opportunity for us to expand the dissemination of Statistics Division data to a larger audience of users.

(b) Development of a web site through which to disseminate census data on national/ethnic group, language, religion and other topics related to the study of indigenous peoples

3. The United Nations Statistics Division, Department of Economic and Social Affairs, plans to develop a web site for the purpose of disseminating existing population census data provided to the Statistics Division by national statistical authorities on language, religion, ethnicity and other topics that may be relevant to the study of indigenous peoples. The web site will be linked to the Forum web site. This project will support both the upcoming *Demographic Yearbook* Special Census Topics, volume 2: Social Characteristics, and the programme of work of the Forum.

4. The web site will be developed as part of the newly designed web site of the Statistics Division on Demographic and Social Statistics (http://unstats.un.org/unsd/demographic/default.htm) and will serve several important purposes. First, the data on ethnicity, language and religion have not been disseminated since 1993. The Statistics Division has collected a very large amount of population census data that has not yet been disseminated or analysed. It is planned that these data will become available through the publication of the *Demographic Yearbook* Special Census Topic, Social Characteristics, in June 2005. Second, the planned link with the Forum web page, which is very heavily trafficked, will increase the visibility of statistical data and help to maximize its utilization. Finally, disseminating the data publicly will allow all users to see both the limitations and the strengths of the current population census data. Researchers can determine whether and how existing data on nationality/ethnic group, language and religion may be used to capture indigenous populations. The Forum will hold its fourth session in May 2005, by which time it is expected that the major part of the project will have been completed.

2. Contribution from the Division for the Advancement of Women

(a) Response to recommendations addressed exclusively to the particular department/division under one or more items of the Forum's mandate

5. In preparation of the 10-year review and appraisal of the implementation of the Beijing Platform for Action[1] which will be conducted by the Commission on the Status of Women at its forty-ninth session from 28 February to 11 March 2005, the Division for the Advancement of Women, in collaboration with the regional commissions, prepared a questionnaire to be used to compile information from

Governments on major achievements and obstacles in implementation of the Beijing Platform for Action and the outcome of the twenty-third special session of the General Assembly. Part two of the questionnaire, entitled "Progress in implementation of the critical areas of concern of the Beijing Platform for Action and the further initiatives and actions identified in the twenty-third special session of the General Assembly", requested Governments to include information on actions implemented to address the situation of indigenous women.

6. As a result, 24 Governments provided information on indigenous women, specifically on the Government's measures, actions and policies aimed at improving the status of indigenous women and on the obstacles and challenges with respect to eliminating discrimination against indigenous women and overcoming their social and economic exclusion. The report of the Secretary-General submitted to the Commission on the Status of Women at its forty-ninth session on the review of the implementation of the Beijing Platform for Action and the outcome documents of the special session of the General Assembly entitled "Women 2000: gender equality and peace for the twenty-first century" (E/CN.6/2005/2) contains a section summarizing these efforts (part three, sect. II.C).

7. The Division for the Advancement of Women participates in, and contributes to, the Inter-Agency Network on Women and Gender Equality Task Force on Indigenous Women. The Division contributed to an inventory of mandates, overview of programmes/activities focusing on indigenous women that have been carried out, and a strategy and work plan to mainstream indigenous women's issues in the work of United Nations organizations. Further information can be found in annex II to the February 2005 report of the Task Force prepared by the Forum secretariat (available from http://www.un.org/esa/socdev/unpfii/documents/Report_Task%20Force_%20on_IW_final.doc (accessed 28 March 2005)).

8. The Division contributes to the Intradepartmental Task Force on Indigenous Issues. It participated in the meeting held on September 2004 where the follow-up actions to the Forum's third session and the preparation of the Forum's fourth session, among other topics, were discussed.

9. The Committee on the Elimination of Discrimination against Women continues to review the situation of indigenous women in reporting States in a systematic manner. At its most recent session (January 2005), the Committee paid particular attention to the situation of indigenous women in Paraguay. Further information about the work of the Committee and the Commission on the Status of Women on indigenous women is contained in documents E/CN.19/2003/CRP.1 and E/CN.19/2004/CRP.5. The results of the third session of the Forum were made available to Committee members.

3. Contribution from the Governance and Public Administration Branch of the Division for Public Administration and Development Management

10. In its various programmes, projects, expert consultations, and research and dissemination activities, the Branch shall make a concerted effort to:

- **Undertake research to identify concerns and needs of indigenous peoples in issues related to public administration, in particular (a) public sector policy development, (b) public service delivery and (c) recruitment of indigenous peoples in the public service.**

- **Develop policy guidelines for increasing the participation of indigenous peoples in public decision-making and absorb the principles and practice in public administration technical assistance activities.**
- **Develop projects to enhance the capacity for engagement (through education, training, networking, capacity-building and other project activities) of indigenous peoples with respect to more effectively participating and having influence in public decision-making processes.**
- **Sensitize the public administration community and member State government counterparts on the necessity of conducting dedicated consultation processes with indigenous peoples in order to address their specific concerns in matters of public policy that affect them.**
- **Promote equal access to employment in the public service, and help countries develop strategies and guidelines to enhance the recruitment, promotion, retention and influence of indigenous peoples in the public service.**

II. United Nations Development Fund for Women

Summary

Since 1994, the United Nations Development Fund for Women (UNIFEM) has initiated various projects and programmes that have responded to the increased awareness of the need to incorporate gendered indigenous issues in the forefront of our agenda. Integrating indigenous women's rights is fundamental to UNIFEM and it seeks to more fully develop and expand its existing projects while eliciting the cooperation and support of other United Nations bodies and responding to the expressed needs of indigenous women's groups. The efforts of UNIFEM to address indigenous peoples' needs in the context of the Millennium Development Goals are shaped in response to regional realities and opportunities.

The situation of indigenous women in development processes is of significant importance to UNIFEM, particularly in the Latin America and the Caribbean and Asia and the Pacific regions. The UNIFEM programme focuses on advocacy for indigenous women's rights and eliminating discrimination against women. The approach of UNIFEM focuses on mainstreaming gender and women's human rights in its programme by engaging indigenous groups, particularly women, boys and girls, and enhancing civic engagement through strategic partnerships between associations and advocate groups. The UNIFEM Regional Office for the Andean Region is currently increasing its involvement in supporting the participation of indigenous women's groups in local, national, regional and global events and encouraging their inclusion in project initiatives. In Asia, the UNIFEM Regional Office in Bangkok fosters alliance-building among local, national and regional non-governmental organizations, inter alia, in the Philippines, to spur and launch advocacy for the rights of indigenous women.

Mainstreaming gender within the larger context of indigenous rights is at the core of the UNIFEM project implementation strategy. UNIFEM recognizes that incorporation of indigenous women's issues and distinct interests is an ongoing

process. As an international body that works as a mechanism to support the expressed needs of indigenous women and help facilitate a space so that these needs can be addressed, UNIFEM seeks to promote that process.

Suggestions and recommendations on the Millennium Development Goals and indigenous peoples are also included in the present report.

A. Response to recommendations addressed by the Forum exclusively to UNIFEM under one or more items of the Forum's mandate

11. There were no recommendations targeted exclusively at UNIFEM.

B. Response to recommendations of the Forum addressed to UNIFEM and other organizations or to the United Nations system in general under one or more items of the Forum's mandate

Recommendation No. 5 (E/2004/43, chap. I, para. 5): "Integrate the human rights, including the reproductive health rights, and special concerns and needs of indigenous women into their programmes and policies, and to report regularly to the Forum. The reports should contain detailed information on the strategies and policy assessments on the regional and national levels"

12. UNIFEM works cooperatively with indigenous women's organizations to determine the present status and expected future of their rights. These concerns are then integrated into short-term projects that respond to the long-term needs of the partner groups. It is not within the capacity of UNIFEM to report directly to the Forum but rather to facilitate a space in which indigenous women can express their concerns publicly on local and global levels. This is an ongoing process that UNIFEM hopes to develop more fully as indigenous women become increasingly participative and integrated into regional and international processes.

Recommendation No. 6 (E/2004/43, chap. I, para. 6 (a) and (b)): "Pay special attention to the issues related to maintaining the integrity of indigenous women and the gender dimension of racial discrimination against indigenous peoples. Organize a meeting with the objective of beginning a process to develop and adopt a general recommendation on indigenous women, including women living under colonization"

13. Maintaining cognizance of the racial discrimination against indigenous women is at the forefront of UNIFEM project initiatives and UNIFEM hopes that its projects will remain and become increasingly sensitive to the unique situation affecting indigenous women.

14. Indigenous women in Latin America share a history of colonization and oppression but their immediate situations are heterogeneous. In respect of this, UNIFEM has already supported national and regional dialogue among indigenous women from the region (for example, national consultations in Ecuador; Indigenous Women's Summit of the Americas, held in June 2004).

Summary of recommendation No. 8 (E/2004/43, chap. I, para. 8): "Mainstream indigenous gender issues and ... integrate the special needs and concerns of indigenous women into their programmes and policies"

15. UNIFEM has numerous partnerships with leaders of indigenous women's groups and subsequently integrates their unique experience and expertise into its programming. UNIFEM plays an active role in facilitating indigenous women's participation in inter-agency meetings and forums both regionally and globally. UNIFEM hopes that this initiative will continue and that, in cooperation with other organizations (both indigenous groups and women's groups), it will expand its capacity to support the international presence of indigenous women. UNIFEM has supported projects designed to create a dialogue between educational institutions and indigenous women's groups regarding indigenous women's issues and hopes that over the course of the next three years, there will be an increased exchange between academic institutions and indigenous women's groups, as UNIFEM feels that facilitating a space for indigenous women within educational institutions is an effective way to build capacity.

Recommendation No. 43 (E/2004/43, chap. I, para. 43 (a), (b) and (c)): Disseminate information on the rights of indigenous peoples in the local languages; train indigenous women in human rights and rule of law; provide technical assistance to Governments to establish fundamental rights of indigenous peoples

16. The Andean Regional Office is preparing training sessions with indigenous women's leaders in order to prepare them for the Forum's fourth session in May 2005. UNIFEM provides technical assistance for preparatory meetings with indigenous women's groups that are organized by the national women's mechanisms to strengthen national agendas for the 10-year review of the implementation of the Beijing Platform for Action. Technical support will also be given to the national women's networks in the region with respect to their participation in the preparatory meetings at national and regional levels.

Recommendation No. 51 (E/2004/43, chap. I, para. 51): That "a workshop be convened within the framework of the 10-year review of the Beijing Declaration and Platform for Action in order to formulate strategies to protect vulnerable groups, such as indigenous peoples, especially taking into account the vulnerabilities of indigenous women and children"

17. UNIFEM is organizing several follow-up meetings with indigenous women's groups in order to facilitate the dissemination of information about the documents drafted at the 10-year review and to discuss the perspectives of diverse groups. UNIFEM will organize several national and regional follow-up meetings for the international meetings on indigenous women in New York. The partners collaborating in these efforts will include national women's machineries and the various indigenous organizations (the Centre for Indigenous People's Culture of Peru (CHIRAPAQ), the National Council of Indigenous Women of Ecuador (CONMIE) and the subsecretaries of the various indigenous organizations). Also, there will be post-conference training and sharing of information disseminated at the 10-year review in order to facilitate an understanding of the issues broached during the review and the way in which the indigenous communities can integrate the outcomes of the meeting.

C. Other significant information on recent policies, programmes, budgetary allocations or activities regarding indigenous issues within UNIFEM

18. The commitment of UNIFEM to including a feminized poverty perspective in the Millennium Development Goals process focuses on involving women in the monitoring of the Goals. With the Economic Commission for Latin America and the Caribbean, UNIFEM is developing reports on gender analysis of the Goals in Peru, Bolivia, Ecuador, Colombia, Venezuela, Nicaragua and Guatemala, which will serve as an advocacy tool for including gender and women's participation in national Goal planning, reporting and monitoring. A regional report is also under way for the Caribbean.

D. Information and suggestions regarding the special theme of the fourth session: "Millennium Development Goals and indigenous peoples"

19. UNIFEM suggests that the following be taken into consideration:

- **The need to use existing statistical information disaggregated by sex and ethnicity in the Millennium Development Goal country reports and processes with a view to making women's, and particularly indigenous women's, situation visible and easily available so as to inform policy-making.**
- **The need to encourage national Governments to mainstream gender and race/ethnicity in their data-collection instruments (census, surveys, administrative records) so as to have information available on the situation of women and indigenous people.**
- **The need to foster the participation of women and indigenous people, particularly indigenous women, in national Millennium Development Goal-related processes (for example, consultations, reporting, monitoring) and provide them with tools that can facilitate said participation and influence (for example, data, advocacy training, etc.).**

Notes

[1] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

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Addendum

International Fund for Agricultural Development

Summary

Following recommendations made by the Permanent Forum on Indigenous Issues, the International Fund for Agricultural Development (IFAD) is pleased to inform the Forum that, in 2004, it allocated $155.8 million in loans and $2.7 million in grants for projects in support of indigenous peoples. Among the grants, two are of particular relevance. The first one was provided to the secretariat of the Forum in order that it might:

- Undertake in-depth case studies of IFAD-financed projects to identify best practices on how development projects can help strengthen indigenous peoples' own perspectives and practices of development to reach the Millennium Development Goals
- Organize a side event at the twenty-eighth session of the IFAD Governing Council and one at the fourth session of the Forum
- Prepare, in collaboration with the members of the Inter-Agency Support Group for the Forum, concerned indigenous peoples' organizations and other like-minded partners, a draft framework for advocacy

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The second grant was provided to the International Centre for Integrated Mountain Development and the Tebtebba Foundation in order that they might undertake an assessment of the achievements of the International Decade of the World's Indigenous Peoples in selected countries in South and South-East Asia.

Also in 2004, IFAD:

- Held a seminar in Mankaras, India, on policy dialogue and enabling indigenous peoples to manage their natural resources, in collaboration with the Karl Kübel Stiftung Foundation;
- Financed a two-day meeting in the Bolivian Amazon, which gathered the most successful initiatives in the region of indigenous ecotourism;
- Funded a stakeholders' consultation in Mali on pastoral development strategies for rural poverty reduction in West and Central Africa;
- Co-financed a regional consultation of indigenous women in Asia as a preparatory activity to the Forum's third session, which focused on indigenous women.

Under the auspices of the Regional Programme in Support of Indigenous Peoples in the Amazon Basin (PRAIA), an IFAD-funded project in the Amazon, the Anaconda Film Festival, which screens and gives prizes to films directed by indigenous film-makers, was held in Bolivia. The President of Bolivia presided over its awards ceremony. Through PRAIA, six books concerning indigenous issues were also published. In addition, the International Land Coalition, hosted and financed by IFAD, contributed $108,000 under its Community Empowerment Facility Programme in 2004 for two projects directly related to securing land rights for indigenous peoples.

Contents

		Paragraphs	Page
I.	Responses to the recommendations of the Permanent Forum on Indigenous Issues at its second session addressed exclusively to the International Fund for Agricultural Development	1–3	4
II.	Responses to the recommendations of the Permanent Forum on Indigenous Issues at its second session addressed to several United Nations agencies	4	4
III.	Other significant information regarding recent policies, programmes, budgetary allocations or activities regarding indigenous issues	5–12	5
IV.	Information regarding the special theme of the fourth session, "Millennium Development Goals and indigenous peoples"	13	7
Annexes			
I.A.	Projects financed by the International Fund for Agricultural Development in 2004 in support of indigenous peoples		8
I.B.	Grants by IFAD in 2004 in support of indigenous peoples		12
I.C.	International Land Coalition grants in 2004 in support of indigenous peoples		15
II.	The Mankarai Declaration		16

I. Responses to the recommendations of the Permanent Forum on Indigenous Issues at its second session addressed exclusively to the International Fund for Agricultural Development

1. The Permanent Forum on Indigenous Issues, at its second session, recommended that the International Fund for Agricultural Development (IFAD) lead the mainstreaming of indigenous issues and concerns in poverty reduction strategies at the country level, in collaboration with multilateral, regional agencies and indigenous organizations; and initiate programmes in support of pastoralists and semi-nomadic groups in Africa.

2. Regarding the first recommendation, IFAD has been working in close collaboration with the World Bank, the Department for International Development of the Government of the United Kingdom of Great Britain and Northern Ireland and other bilateral organizations on poverty reduction strategies, especially in the highly-indebted poor countries in Africa. The organization's main achievement in 2004 was to bring to the attention of the concerned Governments and multilateral and bilateral agencies the fact that poverty is essentially a rural phenomenon, especially in highly-indebted poor countries. The mainstreaming of indigenous issues and concerns will be tackled in the next two to three years.

3. Regarding the second recommendation, in 2004:

- IFAD financed a project in the Democratic Republic of the Congo primarily benefiting Pygmies;
- Through the Belgian Survival Fund, another institution housed in IFAD, a grant of $500,000 was secured to develop an intervention strategy in support of the Pygmies;
- In the Sudan, IFAD approved a project that targets, among others, 7,000 pastoralist households together with other beneficiaries (see section C and annex I below);
- IFAD funded a stakeholders' consultation in Mali on pastoral development strategies for rural poverty reduction in West and Central Africa;
- The organization is also preparing a programme in the United Republic of Tanzania specifically targeted at pastoral and agro-pastoral households;
- In addition, the revision of regional strategies that will take place over the coming two-three years will include pastoralists' development programmes.

II. Responses to the recommendations of the Permanent Forum on Indigenous Issues at its second session addressed to several United Nations agencies

4. The Forum recommended the mobilization of resources for projects in support of indigenous peoples and indigenous women. It also recommended that the international financing institutions design programmes to provide indigenous women with access to credit and microfinance programmes. In this regard, IFAD is

pleased to report that in 2004 it allocated $155.8 million in loans and $2.7 million in grants for projects in support of indigenous peoples and indigenous women (see section C and annex I below).

III. Other significant information regarding recent policies, programmes, budgetary allocations or activities regarding indigenous issues

5. During 2004, through its loans facility, IFAD's Executive Board approved eight projects supporting indigenous peoples and pastoralists, with a particular focus on women. These projects covered three countries in Asia (Indonesia, Nepal and Viet Nam), three in Latin America (Argentina, Ecuador and Guatemala) and two in Africa (Democratic Republic of the Congo and the Sudan). The total cost of these projects amounted to $252.15 million, of which the IFAD contribution amounted to $156.82 million. An additional $2.35 million in grants was also allocated for some of these projects, which are expected to benefit about 200,000 indigenous households. Six of these projects will develop rural financial services and microenterprises for its beneficiaries through the creation of self-help groups. Most of these groups will be made up of indigenous women.

6. In 2004, IFAD also provided three institutional grants to indigenous organizations or to organizations supporting them. Their total cost was $762,000, of which IFAD contributed $384,000 (see annex I). The first grant was provided to the secretariat of the Permanent Forum in order for it to:

- Undertake in-depth case studies of IFAD-financed projects to identify best practices on how development projects can help strengthen indigenous peoples' own perspectives and practices of development in order to reach the Millennium Development Goals
- Organize a side event at the twenty-eighth session of IFAD's Governing Council and one at the fourth session of the Permanent Forum to present the results of these case studies and highlight indigenous perspectives on development
- Prepare, in collaboration with the members of the Inter-Agency Support Group for the Permanent Forum on Indigenous Issues, selected indigenous peoples' organizations and other like-minded partners, a draft framework for advocacy, which could become a common platform for advocacy at the national and international levels.

7. The second grant was provided to the International Centre for Mountain Development and the Tebtebba Foundation in order that they might undertake an assessment of the achievements of the International Decade of the World's Indigenous Peoples in selected countries in South and South-East Asia. The results of the assessment will contribute to policy formulation and the identification of policy issues concerning the rights of indigenous peoples in the region. The third grant co-financed the holding of a regional consultation of indigenous women in Asia as a preparatory activity to the Forum's third session, which focused on indigenous women.

8. In March 2004, IFAD held a seminar in Mankarai, India, in collaboration with the Karl Kübel Stiftung Foundation, on "Policy dialogue: enabling indigenous peoples to manage their natural resources". The seminar adopted the Mankarai declaration, which urges concerned Governments and agencies to undertake specific measures to promote the rights of indigenous peoples and women on a number of topics, including those concerning access to surface and sub-surface resources (see annex II). The declaration was widely distributed.

9. In August 2004, the organization financed a two-day meeting in the Bolivian Amazon, which brought together the most successful indigenous ecotourism initiatives so that concerned indigenous groups could share experiences. It is expected that this initiative will take place every year (see www.Praia-amazonia.org — Ruta de Aprendizaje).

10. In 2004, the Anaconda Film Festival was held in La Paz, Bolivia. This event, which is organized by the IFAD-funded Regional Programme in Support of Indigenous Peoples in the Amazon Basin (PRAIA), in collaboration with several partner institutions, takes place every two years with the objective of selecting and publicizing the best indigenous films. In 2004, 20 of the 135 films presented were selected for the festival. An international jury gave prizes to four films. The film "Buscando el Azul" by the Peruvian director Fernando Valdivia received first prize. A film by Eriberto Gualinga, a Kichwa from Ecuador, received the prize for the best documentary. The Bolivian Rubén Machado Navia received a special prize for an experimental film and "Moyngo, el sueño de Maragareum" by Kumaré Txicão, Karane Txicão and Natuyu Yuwipo Txicão of Brazil received a prize for the best fiction/documentary. The President of Bolivia presided over the awards ceremony and praised the film awarded first prize, calling it "an extraordinary film, with very high human values".

11. Under the auspices of PRAIA, a number of books concerning indigenous issues were published in 2004:

- "PRODESIB and Indigenous Peoples from Beni, Weavers of Their Future", recounts the project's experience with indigenous peoples in Beni (Bolivia).
- "From Indigenous Utopia to Disillusion" is about the legislation that recognizes indigenous territories in Bolivia. This book evaluates the achievements and identifies the gaps in the process leading to recognition of indigenous territories.
- "Educational Experience for Young Indigenous in Bolivian Amazon" recounts the experiences of indigenous youth who receive scholarships for secondary and higher education.
- "Ten Subjects about Constitutional Reform" contains information on the Constitution, the constitutional reform process and the Constitutive Assembly in Bolivia. It was published in order to further democratize the current debate on these topics.

12. In 2004, under its Community Empowerment Programme, the International Land Coalition, which is hosted and financed by IFAD, started projects in Indonesia and Brazil. Both projects are directly related to securing the land rights of indigenous communities and/or promoting indigenous natural resources

management. The total cost of these projects was $702,000; the Coalition's contribution amounted to $384,000 (see annex I).

IV. Information regarding the special theme of the fourth session, "Millennium Development Goals and indigenous peoples"

13. As mentioned above, as part of the grant provided by IFAD, the secretariat of the Permanent Forum organized a side event at the twenty-eighth session of the IFAD Governing Council, in February 2005, on integrating indigenous peoples' perspectives on development to reach the Millennium Development Goals. The panellists included indigenous experts from Latin America, Asia and Africa, members of the Permanent Forum, IFAD staff and government representatives from Finland and the Philippines. A second side event on the same theme will be organized at the fourth session of the Permanent Forum. The panel will include representatives of indigenous organizations, other indigenous experts and government representatives.

Annex I

A. Projects financed by the International Fund for Agricultural Development in 2004 in support of indigenous peoples

(United States dollars)

Country	Project title	Project objectives	Project area	Project components	Project cost and financing	Beneficiaries
Indonesia	Rural empowerment and agricultural development programme in Central Sulawesi	Primary objective: to fight poverty through increasing incomes and improving conditions of living in marginal communities	Central Sulawesi province Target group: Ethnic minorities	• Sustainable rural enterprise development • Rural infrastructure • Programme management and institutional development	Total cost: $37.7 million, of which IFAD provides a loan of 33.9 million plus a grant of $0.5 million	40,000 households
Nepal	Leasehold forestry and livestock programme	Main objective: sustained reduction in poverty Specific objectives: improve household forage and tree crop production; improve household production of small livestock; establish viable microfinance institutions	22 districts of the country Target group: Indigenous communities, especially indigenous women	• Leasehold forestry and group formation • Livestock development • Rural financial services • Programme management and coordination	Total cost: $12.77 million, of which IFAD provides a $10.5 million loan plus a $1.22 million grant	28,620 households
Viet Nam	Decentralized programme for rural poverty reduction in Ha Giang and Quang Binh provinces	Main objective: Improve the socio-economic status of the poorest households Specific objectives: Enhance the	Ha Giang region Target group: 88 per cent of the total population is constituted by ethnic minorities: H' Mong, Dzao, Nung,	• Capacity-building for decentralized development • Production support • Small scale infrastructure development	Total cost: $38.78 million IFAD contribution: over $24.12 million IFAD grant: $0.63 million	26,600 households in Ha Giang province

		people to become active stakeholders, increase productivity and income levels, reinforce ongoing decentralization processes		• Project management		
Argentina	Patagonia rural development project	Main objective: Improve the economic and social conditions of the rural population of Patagonia Specific objective: Achieve the economic integration of the target population by improving their access to business opportunities, technical and financial resources and labour markets	All four provinces of Patagonia: Chubut, Neuquén, Rio Negro and Santa Cruz Target group: small poor farmers (45%), microentrepreneurs and artisans (20%), rural youth (20%) and indigenous people (15%) (Mapuches and Tehuelches)	• Organizational capacity-building • Rural business development	Total cost: $29 million IFAD contribution: $20 million	45,000 households, 15% of which are from indigenous groups
Ecuador	Development of the central corridor project	Main objective: improve the livelihoods of targeted rural families, indigenous and peasant communities in three agro-ecological regions of Ecuador	Central Ecuador, encompassing the three district ecological regions: the Amazonian rain forest region, the Sierra region and the Costal region Target group: Most of the population living in the	• Participatory planning and capacity-building • Rural business development • Management of natural resources • Local knowledge and cultural diversity	Total cost: $24.3 million IFAD loan: $14.8 million	36,000 households

Country	Project name	Project objectives	Project area	Project components	Project cost and financing	Results (area)
		Specific objectives: Supporting the development of local initiatives; sustainable natural resources management; recognizing, recovering and systematizing local knowledge and culture	"corridor" are members of indigenous groups	• Project management and administration		
Guatemala	National rural development programme: central and eastern regions	Main objective: Reduce poverty levels and address the exclusion and discrimination suffered by the poorest groups in Guatemala Specific objectives: Active and gender-equitable participation of all stakeholders in development; transparent implementation of pro-poor, national rural development policies	Poorest rural communities and municipalities of the central and eastern regions Target group: The central and eastern regions are inhabited by a mestizo population of Maya and Spanish descent (ladinos)	• Land-use planning and decentralization • Rural business and marketing • Rural services	Total cost: $38 million IFAD contribution: $17 million	20,000 households

Country	Project title	Project objectives	Beneficiaries	Project components	Project cost and financing	Beneficiaries
Democratic Republic of the Congo	Agricultural revival programme in Equateur province	Main objective: Contribute to enhancing food security and improving the livelihoods of the rural poor Specific objectives: Restore and improve sustainable livelihoods of rural communities	Equateur province Target group: A special focus will be placed on the poorest rural categories, in particular widows, Pygmies and other vulnerable groups	• Restore and improve agricultural productive assets • Restore and improve fisheries productive assets • Restore and improve the access of rural communities to basic social services	Total cost: $22.6 million IFAD contribution: $10 million, plus a grant from the Belgium Survival Fund of $0.5 million to develop specific strategies of intervention for Pygmies	Not available
Sudan	Western Sudan resources management programme	Main objective: Improve the equity, efficiency and stability of the economy of the three Kordofan states Specific objectives: Establish an equitable, efficient and sustainable natural resources governance system; develop effective market chains to produce added value accessible to women and men; improve the livelihoods of rural poor households	17 stock routes and 6 markets in the North, South and West Kordofan states Target group: 44,000 settled households and 7,000 pastoralist households. Women and pastoralist communities will be mainstreamed into project activities	• Natural resource management • Rural financial services and marketing • Community development and extension • Rural feeder roads • Institutional support	Total cost: $49 million IFAD contribution: $25.5 million	51,000 households, of which 7,000 are pastoralist households

B. Grants by IFAD in 2004 in support of indigenous peoples

(United States dollars)

Region	Project title	Project objectives	Project area	Project components	Project cost and financing	Beneficiaries
Asia	Second Asian Indigenous Women's Conference	Main objective: Bringing together indigenous women from the region Specific objectives: Sharing the initiatives and strategies adopted by Asian indigenous women and communities, developing country programmes, examining the impact of Government policies, programmes and projects as well as those of donor communities on the lives of indigenous women; elaboration of the Baguio declaration	Asia	• Co-financing of the holding of the Second Asian Indigenous Women's Conference • Descriptions of the situation in each country • Strategies on next steps	Total cost: $0.350 million IFAD contribution: $0.035 million	Asian indigenous women
Asia	Audit of the International Decade for the World's Indigenous Peoples in Asia (1995–2004)	Main objective: To contribute to policy formulation and identification of policy issues concerning the rights of indigenous	South and South-East Asia	• Assessment report on the United Nations International Decade of the World's Indigenous Peoples 1995–2004 in selected countries in	Total cost: $0.262 million IFAD contribution: $0.199 million	Indigenous peoples of South and South-East Asia

		Specific objectives: Identify the developments in national and international policy environment that affirm indigenous peoples rights; identify policy gaps; contribute to creating an enabling environment for policy and programme development and advocacy; strengthen the capacity of indigenous networks to carry out advocacy work		• Promotion of a training module on indigenous peoples' rights • Identification of policy advocacy issues in support of the rights of indigenous peoples in Asia		
Global (Secretariat to the Permanent Forum on Indigenous Issues)	Indigenous peoples and the Millennium Development Goals	Main objective: Provide indigenous peoples' advocacy groups with an opportunity to review IFAD-funded projects in support of indigenous peoples Specific objectives: Identify lessons learned from mainstreaming indigenous perspectives in rural development	Global	• Undertake case studies on best practices • Prepare and conduct side event on mainstreaming indigenous perspectives to reach the Millennium Development Goals at the meeting of the IFAD Governing Council in 2005 and at the fourth session of	Total cost: $0.15 million IFAD contribution: $0.15 million	Indigenous peoples worldwide

Region	Project title	Project objectives	Project status	Project components	Project cost and financing	Beneficiaries
		projects and present recommendations on how to address challenges and constraints; raise awareness among IFAD governors about indigenous issues and perspectives; prepare a framework for advocacy in support of indigenous peoples' perspectives, concepts and practice of development		the Permanent Forum on Indigenous Issues • Prepare an overview paper and a draft of a framework for advocacy		

C. International Land Coalition grants in 2004 in support of indigenous peoples

(United States dollars)

Country	Project title	Project objectives	Project area	Project components	Project cost and financing	Beneficiaries
Indonesia	Protection for indigenous peoples' land claims	Main objective: Protect farmers' and indigenous peoples' rights Specific objectives: Secure indigenous peoples' land claims, increase poor farmers' access to land, eliminate land conflict between communities, Government and companies, build indigenous peoples' and farmers' organizations	Bessa and Pekorehua valleys and the sub-districts of Central Lore, District Poso and Central Sulawesi province in Indonesia Target group: Traditional indigenous communities in the project area	• Participatory study of land tenure systems • Community-based mapping • Paralegal training • Policy dialogue on land disputes • Building grass-roots organizations	Total cost: $0.051 million International Land Coalition contribution: $0.037 million	1,000 households
Brazil	Strengthen actions by indigenous agro-forestry agents in Acre	Main objective: Promote the sustainable use of natural resources and protection of indigenous land in the project area Specific objectives: Enable beneficiaries to identify, systematize, enhance and use environment-related knowledge and technologies in environmental management of indigenous lands	17 indigenous territories covering an area of 1,486,072 hectares of Acre Province Target group: Indigenous communities	• Training courses • Itinerant workshops • Advisory assistance for all 17 indigenous territories • Establishing local associations with indigenous and non-indigenous organizations • Implementation and management of agro-forestry systems	Total cost: $0.168 million International Land Coalition contribution: $0.071 million	1,500 households

Annex II

The Mankarai Declaration

We, delegates of indigenous and tribal peoples and those working with them from nine nations of Asia and Europe, participants at the international workshop on "Policy Dialogue: Enabling Tribal And Other Ethnic Groups To Manage Their Natural Resources", reaffirm the vital role of indigenous and tribal peoples and their organizations in sustainable development, acknowledge that indigenous and tribal peoples, especially women, are survivors of their struggles against militarization and actively work for peacebuilding, support their quest for social and ecological justice, self-determination and peace and wish to express our solidarity with them.

In spite of their significant stewardship role, indigenous and tribal peoples are among the most marginalized and vulnerable sections of society and constitute a significant proportion (about one third) of the rural poor. It is therefore vital that the social, political, cultural and economic rights of indigenous and tribal peoples are acknowledged, promoted and protected. Achieving the Millennium Development Goals in ways that reaffirm the rights of indigenous and tribal peoples and help them overcome their poverty would also make a major contribution towards preserving the world's environment and nurturing cultural and biological diversity.

At the turn of the twenty-first century, many Governments and international forces of globalization, militarization and other developments are impinging upon the inherent rights and fundamental freedoms of indigenous and tribal peoples and threatening their survival as distinct peoples.

Issues and concerns

At this workshop we bear testimony to the following issues and concerns:

- Denial of indigenous and tribal peoples' rights to ancestral lands, territories and related welfare and self-reliant resources and their right to self-identification, which, inter alia, leads to loss of food security and destruction of traditional livelihoods, indigenous knowledge systems and indigenous culture and spirituality;
- Denial of self-determination, consistent with international standards, and to free, prior and informed consent on a development agenda consistent with indigenous and tribal peoples' traditions of community, solidarity and equity;
- Privatization of natural resources, such as water and ecosystems of rivers, catchments and watershed areas;
- Dominance of the principle of "eminent domain" which allows the forced displacement of indigenous and tribal peoples in the name of "national development" (dams, extractive industries, agro-industries, protected conservation initiatives, markets, urbanization, etc.);

In contemporary international law, consent to activities affecting indigenous and tribal peoples, territories and resources or rights to control must be freely given, in advance prior to the implementation of such activities and be founded upon an understanding of the full range of issues implicated by the activity or decision in question, hence the formulation free, prior and informed consent.

- Promotion of government programmes and policies on agriculture, forestry, [illegible] and water, which are inconsistent with, and which undermine, indigenous and tribal peoples' sustainable resource management practices and, in the long run, are detrimental to national, social and economic interests;

- Lack of recognition of indigenous knowledge systems;

- Their excessive appropriation by corporations and States;

- Inadequate protection of indigenous heritage, tangible and intangible, material and non-material culture, and lack of juridical recognition of the inalienable rights of indigenous communities;

- Inadequate educational systems that are inconsistent with indigenous values and culture;

- Absence of recognition and respect for indigenous languages, values, cultures and community laws;

- Acceleration of the process of alienation, privatization, commercialization and theft of community forests, lands, waters, seed varieties, genetic resources and traditional medicinal plants as a result of globalization and liberalization;

- Prejudiced and inappropriate representation of indigenous and tribal peoples and women, which undermines their pride and self-confidence;

- Non-recognition of indigenous juridical rights and justice systems;

- Non-ratification and/or implementation of international treaty-related rights of indigenous and tribal peoples (International Labour Organization Convention No. 107, International Labour Organization Convention No. 169, Convention on Biological Diversity, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, etc.).

Basic principles applying to indigenous and tribal peoples

In each of these concerns, we recall and reaffirm the following principles, which are already enshrined in international human rights instruments: self-determination, self-government, indigenous jurisprudence, self-identification, secure ownership and intergenerational rights over lands and natural resources, both surface and subsurface, gender equity, social equity, protection and development of intellectual property rights, cultural heritage and indigenous knowledge systems, self-representation, free, prior and informed consent, and the right to say no to economic exploitation.

Important developments

In the last few decades, several developments have occurred at international, national and local levels[2] that have noticeably furthered the cause of indigenous and tribal peoples. In spite of these gains, a great deal more needs to be done.

We commit ourselves to the following:

- To actively engage in policy advocacy and reforms in all political arenas and at all levels in order to gain full respect and recognition of the rights of indigenous and tribal peoples, both women and men, to self-determination and social and ecological justice and peace;
- To work for an end to racial, cultural, religious, social and gender discrimination and all its manifestations in public policy and practices;
- To work for the amendment of constitutional provisions and conflicting laws to make these consistent with existing and emerging international standards on the rights of indigenous and tribal peoples. Customary laws should likewise be recognized in line with international and human rights standards;
- To recognize and respect indigenous women's contributions to peacebuilding and conflict resolution. We will assist in engendering indigenous conflict resolution and peacebuilding processes and ensure the full and effective participation of indigenous women in peace processes and accords entered into by indigenous and tribal peoples;
- To accept the challenge and responsibility to address cultural renewal and revitalization to promote gender-sensitive values and structures within indigenous communities. We note with concern that some recent developments in indigenous and tribal traditional social, cultural and political institutions and practices have led to a loss of values and codes of behaviour that uphold gender-sensitive structures and roles while accepting responsibility to change other customary laws and practices that oppress indigenous and tribal women. We will speak up against the abusive treatment of indigenous women in the name of custom and tradition.

It has been widely recognized that the health and education of indigenous and tribal peoples are deeply rooted in their full and unhindered access to and control over lands and natural resources. Therefore, the participants to the workshop dealt with access to natural resources (land, water, forests and their products) as well as health and education.

[2] At the international level, the establishment of United Nations bodies dealing with indigenous peoples' rights, the International Decade of the World's Indigenous Peoples (1993-2004), chapter 26 of Agenda 21, Article 8 (j), 10 (c) of the Convention on Biological Diversity, the Working Group on Access and Benefit Sharing (where the free, prior and informed consent of indigenous peoples is recognized); at the national level, several countries have enacted laws and policies recognizing the rights of indigenous peoples and indigenous and tribal peoples (e.g. the Philippines, India, Nepal, Malaysia, Cambodia) and other policies favourable to them (e.g. Indonesia, National Biodiversity Action Plan and Strategy; India, Biological Diversity Act, 2002; Nepal, Biodiversity Strategy, 2002; Philippines, Traditional Alternatives Medicine Act (Republic Act 8423)); at the local level (i) support of indigenous peoples in practising their indigenous resource management laws and practices; (ii) local efforts to transfer indigenous knowledge on resource management to the younger generations; (iii) strengthening of indigenous socio-political systems that regulate the use of natural resources by the communities.

On the issue of access to land and water we will actively engage in policy advocacy and reform in all political arenas and at all levels in order to:

- Establish effective mechanisms to restore ownership and possession of land to the original owners where the lands of indigenous and tribal peoples have been illegally/unfairly alienated;
- Take effective measures for protecting traditional indigenous knowledge systems from being lost or appropriated by others and facilitate the equitable sharing of the benefits of this knowledge with free, prior and informed consent of the people concerned;
- Protect, including through a ban on privatization of such lands or resources, the traditional rights of access of landless indigenous and tribal peoples over lands, forests, pastures, grass lands, water bodies and other resources regarded as common property;
- Protect the rights of indigenous and tribal peoples to use the natural resources of lands classified by law as forests through appropriate legal and administrative measures;
- Protect the rights of indigenous and tribal peoples of access to water bodies (including seas, rivers, lakes, reservoirs, streams and other aquifers) in their areas through a total ban on privatization through lease, licence, assignment or otherwise;
- Integrate the principle of free, prior and informed consent as a mandatory feature in all programmes and projects concerning lands, forests and other common property resources in the areas inhabited by indigenous and tribal peoples;
- Take all necessary measures to protect indigenous seeds and plant species from appropriation by private entities;
- Formally recognize the traditional land ownership rights of indigenous and tribal peoples by law in accordance with the International Labour Organization conventions (107 and 169); and adopt effective measures to prevent alienation of lands of indigenous and tribal peoples by others in accordance with International Labour Organization conventions;
- Strictly apply laws relating to property and the economic rights of women, if in place or, where absent, lobby for appropriate legislation aiming at protecting the rights of women, including inheritance rights.

In the domain of forestry we will work for the promotion of the following:

- Formulation of national and local forestry laws and policies in consultation with indigenous and tribal peoples;
- Revise prevailing forest laws and policies to ensure ownership, management and control of forests to indigenous and tribal peoples, in a process of full consultation with them;
- Insert special provisions into national forest laws to facilitate gender and social equity;

- Set up bodies and processes for local mechanisms to settle inter-community disputes;[c]
- Strengthen the advocacy capacity of indigenous and tribal peoples;
- Secure the representation of indigenous and tribal peoples and their representatives in all national and international policy discussions on forest issues;
- Promote forest management by indigenous and tribal peoples to take account of cultural, spiritual and other values of forests. Commercial considerations should not be the only or prime factor in forest management decisions;
- Ensure that indigenous and tribal peoples' organizations, supported, where appropriate, by non-governmental organizations and government departments, are the main local bodies to implement projects in their territories;
- Promote legal defence funds for supporting indigenous and tribal peoples in land, water and forest-related cases;
- Establish assessment mechanisms with the participation of indigenous peoples to regularly assess forestry departments and other government officials on human rights performance and on performance in the execution of donor-funded programmes and publicize these assessments;
- Develop initiatives by indigenous and tribal communities for obtaining rewards and payments schemes for the environmental services[d] they provide with full respect for biodiversity and the rights of indigenous and tribal peoples;
- Redesign biodiversity protection schemes so that they do not displace indigenous and tribal peoples' communities, but give them a management right and benefit-sharing mechanism in sanctuaries, etc.;
- Establish ecotourism schemes managed by indigenous and tribal peoples' communities and households to be promoted, not only for commercial purposes, but also to convey messages and learning to persons from other communities;
- Take advantage of local, regional and international markets for niche- and eco-products. Link with fair trade bodies for high-value products;
- Promote marketing avenues for products made by indigenous and tribal peoples, especially women, and enable domestic products to become commercial ones only if those concerned people decide so;
- Set up facilities for appropriate certification processes and other scale-sensitive functions such as design centres and provide, on a regional basis, support to eco-service schemes and certification systems.

[c] This also applies to land and water.
[d] Such as watershed functions, carbon sequestration and biodiversity conservation.

In the area of health and education we will work for the promotion of education in indigenous mother-tongue languages and the transmission of indigenous cultures. We call upon Governments to implement their international commitments on education, with due regard for the special needs for education of indigenous and tribal children. To this effect, we will support:

- The provision of bilingual education systems;
- The promotion of multicultural education through the revision of curricula, textbooks and training of teachers to be sensitive to the culture of indigenous and tribal peoples.

We will endeavour to promote and develop indigenous healing practices and work for the effective protection of indigenous knowledge from bio-piracy and patenting. This will include:

- Recognition and strengthening of indigenous health systems and practitioners;
- Integration of indigenous and state health institutions aimed at strengthening the health-care systems and making health-care systems holistic and more affordable;
- Undertaking participatory documentation of herbs and practices and establishing community registries of indigenous health systems. These community registries should be legally recognized as patent equivalent by the concerned Governments;
- Strengthening of traditional indigenous production, conservation and supply system of herbs, earths and waters with healing properties, linking with government policies on biodiversity and forestry;
- Protecting indigenous and tribal sacred sites.